Department of Child Support Services

Child Support Program Orientation

Participant Resource Guide - Version 3.1

State of California
Department of Child Support Services

Vacant
Director

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Chief Deputy Director

Child Support Program Orientation
Participant Resource Guide

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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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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 that 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 to a person, family or institution that is raising a child or children that is not their own. 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.

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

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

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) is the most recent major change in 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

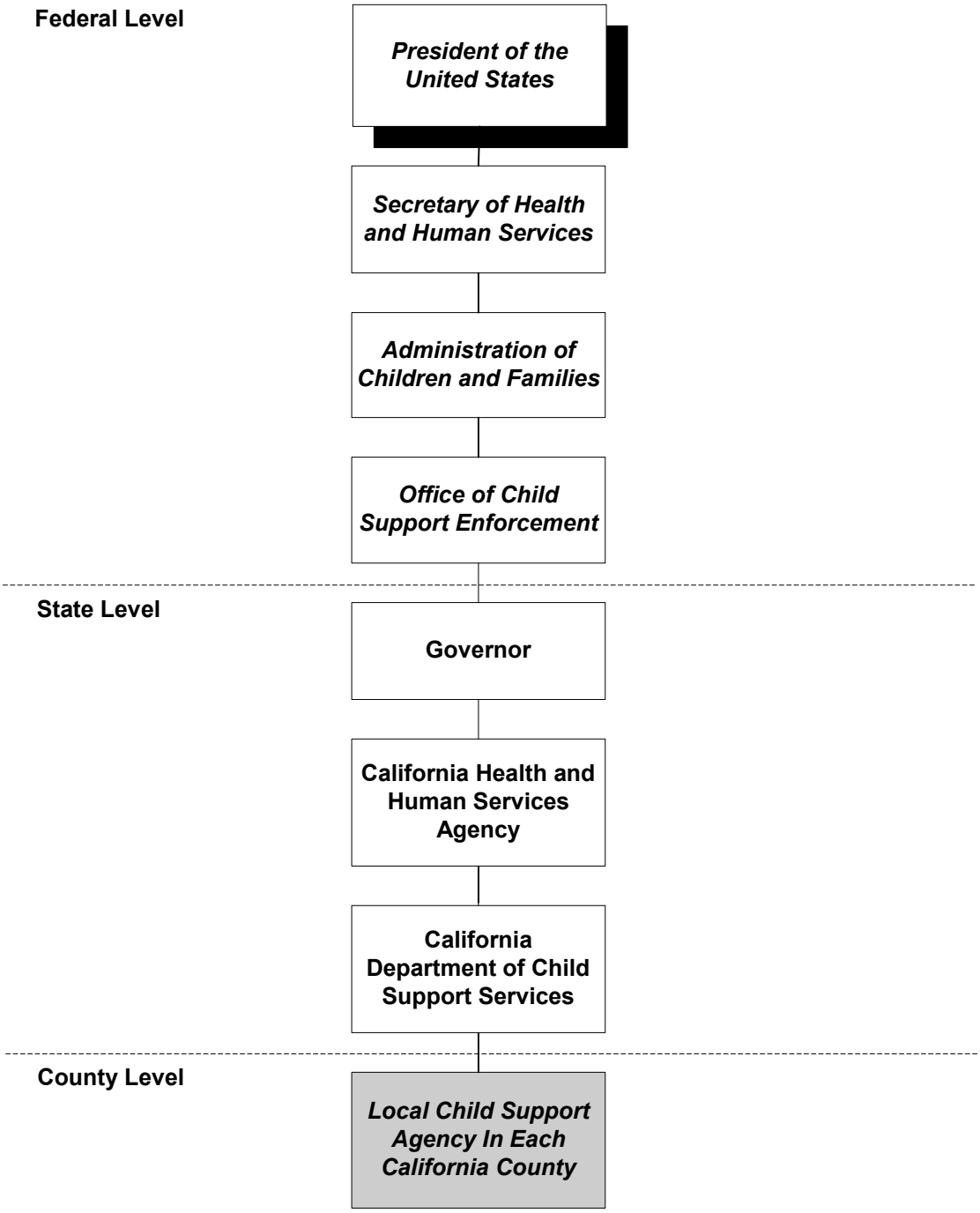

Figure 1: Child Support Organizational Structure

California Department of Child Support Services Organizational Structure

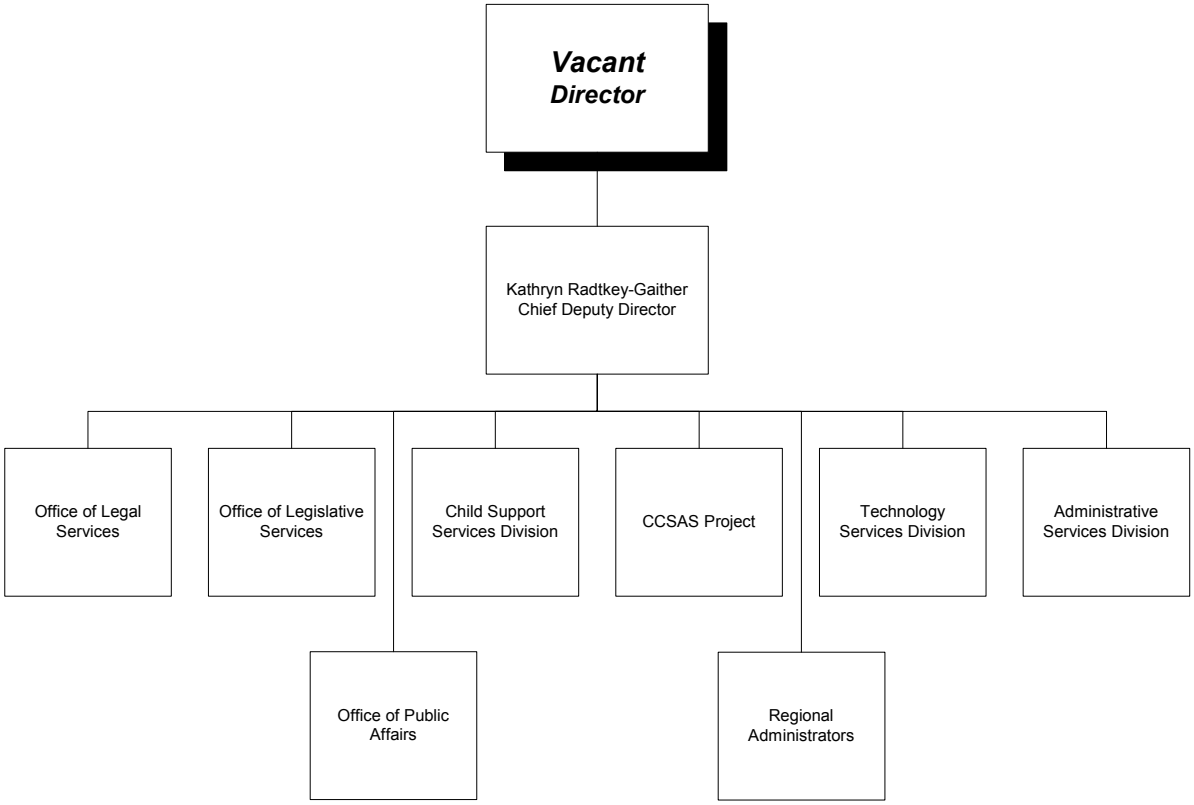

Figure 2: California Department of Child Support Services Organizational Structure

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 the state. 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 web site at http://www.acf.dhhs.gov.

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 delivering first-rate child support establishment, collection and distribution services that help both parents meet the financial, medical and emotional needs of their children.

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. Regional Administrators provide program and performance oversight to the local child support agencies (LCSA) 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 QAPI 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 at least a monthly 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 web site at the following address: http://www.childsup.cahwnet.gov.

Role of the Local Government

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

The 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 county 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 this reason,

the child support professional is a key figure in the provision of excellent customer service. (*See Chapter 12: Customer Service, beginning on page 179.*)

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

Incentive funding originated with a provision in the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) in 1996. The Child Support Performance and Incentive Act of 1998 changed 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 Section17602 required the Department of Child Support Services to adopt performance standards no later than January 1, 2001
  - ✓ Nine specific performance standards were mandated by Family Code Section 17602(a)
  - ✓ Two medical support related measures were added based on stakeholder input
- CSS Letter 00-10 advised of the adoption of the Child Support Program Performance Standards effective January 1, 2001, to be added to regulations effective July 1, 2001

Performance Measures Table

The California Department of Child Support Services Director is required to submit semi-annual reports to the Legislature, the Governor, and the public on the progress of all LCSAs in each performance measure. The following table (Table 1 on page 12) lists the various Federal and State Performance Measures.

Table 1: Federal and State Performance Measures

Categories	*Federal Measures*	*State Measures*
Paternity	Paternity establishment percentage	
Court Orders For Support	Percent of cases with a child support order	Percent of cases that had a support order established during the period
Collections on Current Support	Percent of current support collected	Percent of cases with collections of current support
Collections on Arrears	Percent of cases with arrearage collections	
Cost-effectiveness	Cost-effectiveness performance level	
Additional Measures		Average amount collected per case with collections
		Percent of cases with orders for which medical support has been ordered
		Percent of cases with health insurance coverage provided as ordered

Data Reliability Standards Federal Requirement

Performance data must be accurate, complete and reliable to a minimum acceptable standard of 95 percent.

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 count 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 Quality Assurance and Performance Improvement Program (QAPI) program to further support this vision.

Strategic Plan

The **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 performance goals, objectives and measures through federal FY 2005:

- Improve performance of the child support program
- Establish a single statewide automated system
- Ensure a uniformly administered statewide program reflecting the program’s vision and values
- Decrease barriers to program participation for parents and caregivers
- Enhance program awareness and accessibility

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 submit an annual QAPI plan to DCSS that describes its organizational structure and QAPI team, its local performance targets, and an action plan which, when implemented, will enable the LCSA to achieve its performance targets. To prepare the action plan, the LCSA reviews data, customer service information, and other available indicators to identify program areas in which improvement is needed. The action plan identifies 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 corrective action plans, or analyzing and changing existing business practices.

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

A comprehensive QAPI manual was prepared by DCSS and a workgroup made up of state and local officials, and issued to each LCSA in October 2002. The manual provides guidance in the following six program areas:

- Leadership and Organization
- Case Management
- Financial Management
- Customer Service and Satisfaction
- Administrative Services
- Improving Organizational Performance

Each program area is broken down to the levels of function, element and task, reflecting in greater detail the work that must be performed by the LCSA to increase the likelihood of success.

The QAPI manual serves as an important tool in the analysis of business processes and the identification of areas in which improvement is needed, which facilitates the LCSAs planning of performance improvement activities and preparing their annual QAPI plans.

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 and subject to monitoring by DCSS and OCSE. 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.

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 that 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.cahwnet.gov/library.htm.

Child Abuse and Neglect Reporting Act

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 cruelty or unjustifiable punishment as defined in Penal Code section 11165.3, and unlawful corporal punishment or injury as defined in Penal code section 11165.4.

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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. Whenever a mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of, or observes a child who the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect, they shall make a report to the appropriate local authority immediately or as soon as practically possible by telephone, and the mandated reporter shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

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 or both.

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 will provide financial services in the areas of:

- Collection
- Processing
- Disbursement of payments

Statewide Uniformity With CCSAS

The following comparison shows how CCSAS will help accomplish the DCSS goal of statewide uniformity.

Before CCSAS	*After CCSAS*
6 separate consortia systems	1 single, statewide, automated system
6 business languages	1 business language
Numerous business practices	Uniform practices

CCSAS Information on the Web

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

- www.ftb.ca.gov/other/ccsas
- www.childsup.cahwnet.gov/ProgramInitiatives.htm

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

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

- **Commitment to Children** – “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, consistently exceeding their best expectations.”
- **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.”
- **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 custodial party is within the state and the LCSA is directly enforcing the order against a noncustodial parent 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 type?
   - 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)
   - Dependant
2. Other related participants
   - LCSA caseworker
   - 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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Confidentiality and Record Keeping

California Code of Regulations, Title 22, Article 5, Subchapter 1, 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. 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 Flowchart 31

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.

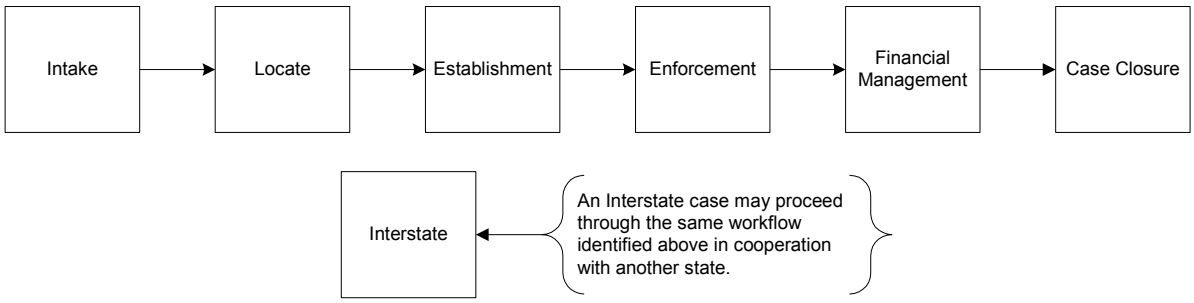

Figure 1: General Overall Workflow for a Case

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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The Importance of Intake 35
Federal and State Timeframes 35

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Request for Services 37
Case Opening Process 38

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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 five 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
- Within 10 business days of receiving an interstate referral from another state, 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

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 CW371 as required by the California Department of Social Services (CDSS), the "Support Questionnaire" Form CW 2.1Q, also required by CDSS 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 right to collect child, spousal, and medical support, 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 they 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 said child support to defray or recoup the public assistance expenditure.

Interstate Sources

Out of state referrals are forwarded to the 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.

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.

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. 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 or has been determined.

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.

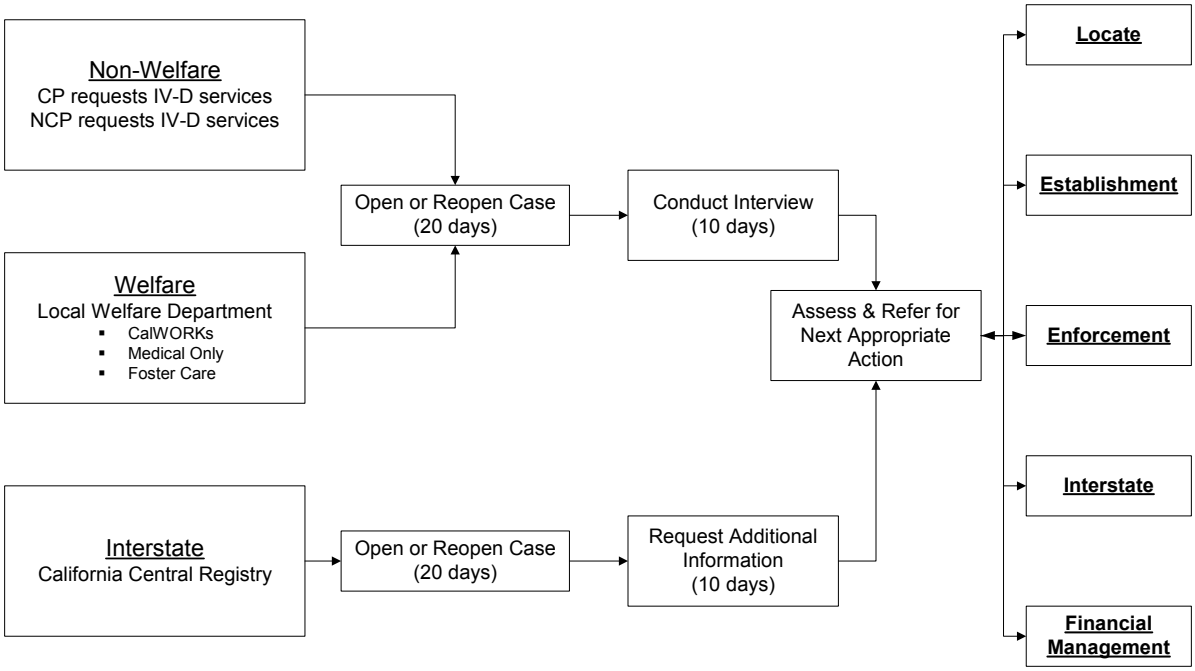

Figure 1: Intake Workflow Flowchart

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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Locating Individuals 47
Locating Assets 47
Locate and Other Child Support Functions 48
California Parent Locator Service (CPLS) 49
Federal Parent Locator Service (FPLS) 50
Other Sources of Locate Information 50
Documentation and Follow Through 51

Locate Workflow 53

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 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 five 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 is how the response is returned.

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

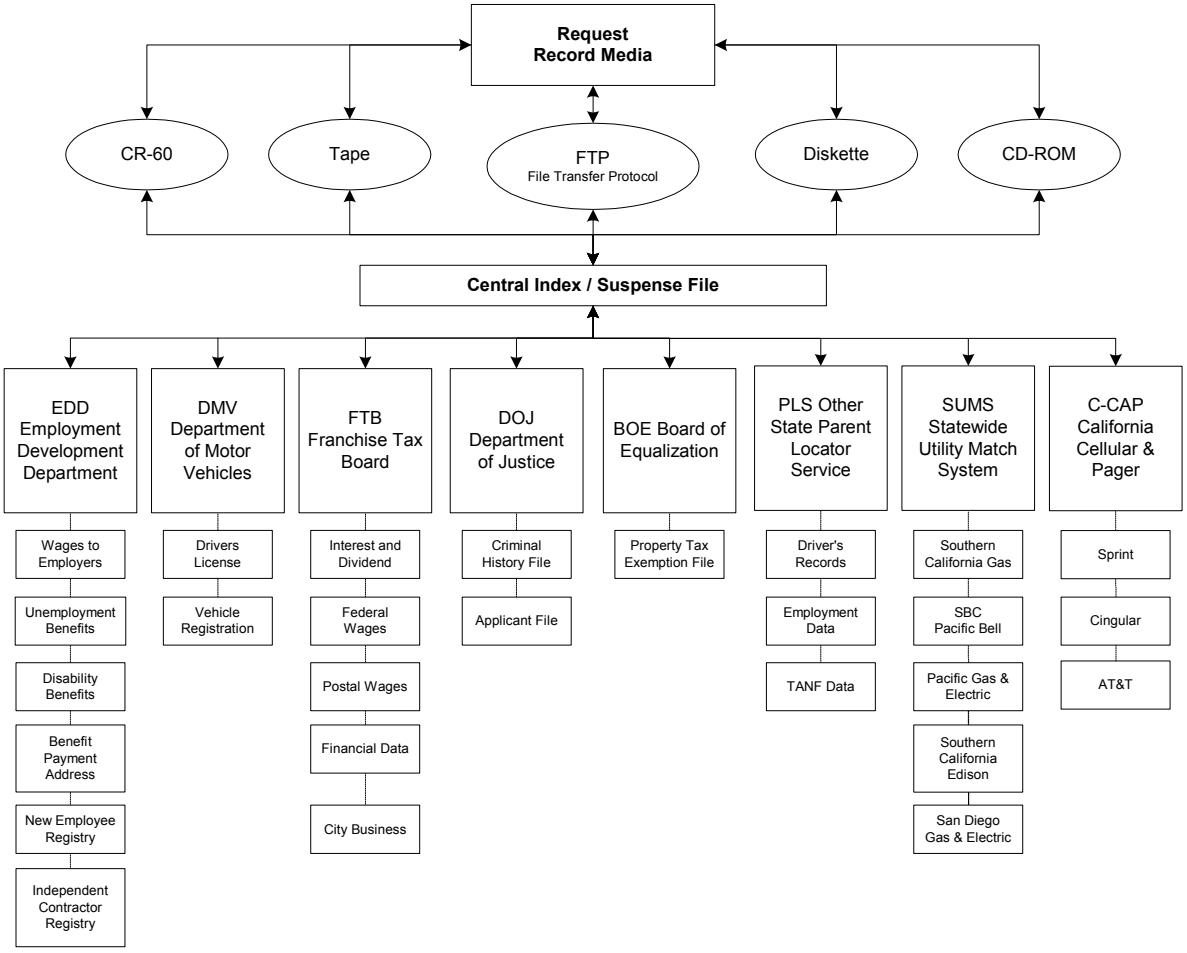

Figure 1: California Parent Locator Service Data Flow

Federal Parent Locator Service (FPLS)

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

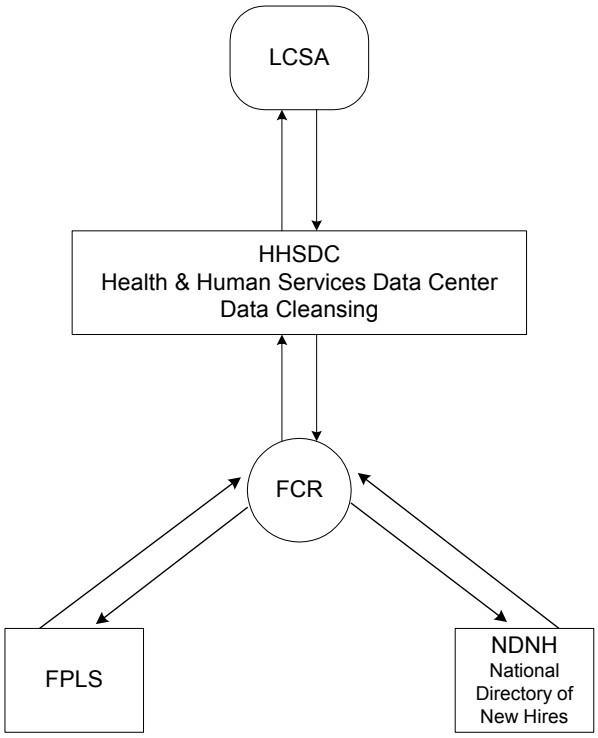

Figure 2: Federal Parent Locator Service - Federal Case Registry Data Flow

Once a case is opened information is sent to FCR where it is matched against NCP demographic information.

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
- Local telephone company
- Internet
- Credit reporting agencies
- Other public utilities
- 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.

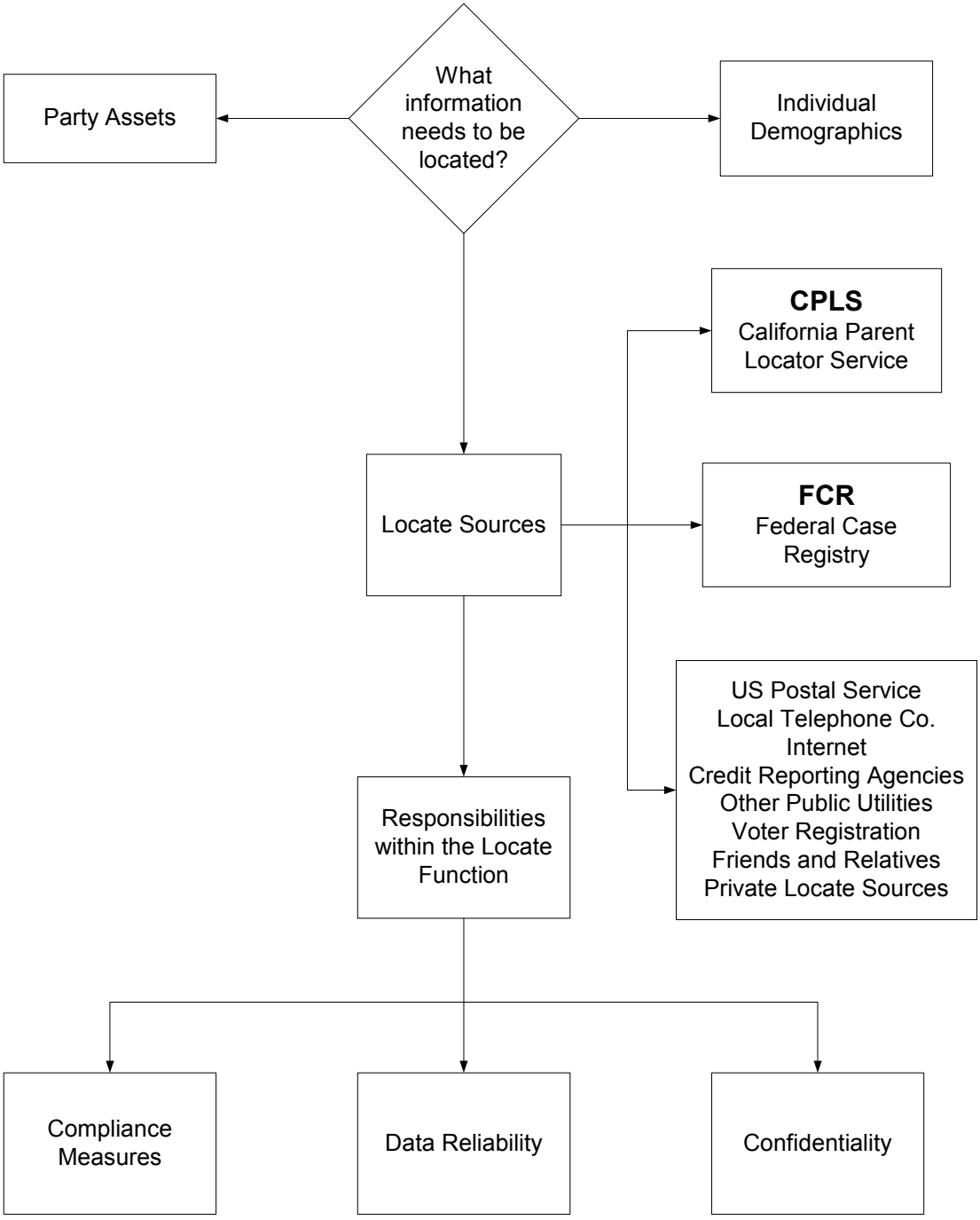

Figure 3: Locate Workflow

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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- Federal and State Timeframes 57
- What is an Enforceable Child Support Order? 57

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- Determining Legal Actions to Establish a Child Support Order 59
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- Existing Order Flowchart 88

Introduction to Establishment

Most people associate the duties of a Local Child Support Agency (LCSA) with collecting a monetary amount 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 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 NCP of the legal actions being taken by sending copies of the filed forms to him or her.

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.

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
- 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/respondents 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
- Will provide health insurance coverage for the child or children

The suit may also ask for repayment of past due support.

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 which 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 NCP/respondent. 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 legal 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 then becomes an enforceable child support order and the LCSA has the authority to take enforcement actions to collect child support from the NCP/respondent.

Once the NCP/respondent has been served with a summons and complaint and proposed judgment, 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 the NCP/respondent is:

- The parent of the child
- Agreeing to pay child support in a specific amount

- 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/respondent 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 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 (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, 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 final judgment mirrors the proposed judgment.

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 legal action may be dismissed.

There may be rare circumstances where an LCSA may pursue support against a non-biological father. These are cases where 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

Substitution of Payee

If there is an existing California child support order 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.

Notice of Registration

If there is an existing order (filed in a different 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 and a Notice of Registration of California Support Order (Judicial Council form FL-651).

Registration of another county's 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.

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 files the form with DCSS 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.

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, which is available at the LCSA, the local registrar or via mail from the State POP Program. 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

Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)

FL-600

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 ☐ COMPLAINT ☐ _____ SUPPLEMENTAL COMPLAINT ☐ _____ 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 RESPUESTA, 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 suyas sin necesidad de mandarle ninguna otra notificación. Para mayor información, vea la declaración anexa respecto a los derechos y responsabilidades que tiene.

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

Name	Date of Birth	Establish Parentage	Establish Support	Modify Order	Beginning Date
		☐	☐	☐	
		☐	☐	☐	
		☐	☐	☐	
		☐	☐	☐	
		☐	☐	☐	
		☐	☐	☐	
		☐	☐	☐	
		☐	☐	☐	

☐ 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. January 1, 2003]

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

Family Code, §§ 2330.1, 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:

2. a. The parents of the children named in item 1 are Mother *(name)*:
   Father *(name)*:
   b. ☐ Defendant ☐ Other parent is named as the father of the children listed in item 1 in the declaration of paternity on file with
      1. ☐ _____ County local child support agency.
      2. ☐ _____ County welfare department.
   c. The obligor (the parent asked to pay support) is the ☐ Petitioner/Plaintiff ☐ Respondent/Defendant ☐ Other Parent
3. Complete the following section if support is being requested but the establish parentage box has not been checked in item 1 above. Please specify each child. You do not need to complete this section if a final judgment of parentage was previously entered under this case number.
   a. ☐ A *Voluntary Declaration of Paternity* that has not been rescinded and was signed by mother and father is on file with the California Department of Child Support Services for the following children *(specify)*:
   b. ☐ Children were conceived during the marriage of mother and father. *(Name of children)*:
   c. ☐ Judgment of parentage has previously been entered. *(Name of children)*:
   d. ☐ Other *(specify)*:
      (Name of children):

FL-600 [Rev. January 1, 2003] **SUMMONS AND COMPLAINT OR SUPPLEMENTAL COMPLAINT REGARDING PARENTAL OBLIGATIONS (Governmental)** Page 2 of 6

Figure 2: Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental) (2 of 6)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:

4. a. ☐ Some or all of the children named in item 1 are receiving or have received public assistance from the following counties *(specify):*
   b. ☐ Date public assistance first paid:
5. Other *(specify):*

THE LOCAL CHILD SUPPORT AGENCY REQUESTS

6. ☐ That the court determine that the persons listed in item 2 are the parents of the children listed on page one.
7. ☐ That, based on the California support guideline, the court order the obligor to pay:
   a. ☐ $ current monthly child support based on the obligor's known income of: $ per month, and, if applicable, the obligee's known income of: $ per month.
   b. ☐ $ current monthly child support based on the obligor's presumed income, as provided by law.
   c. ☐ $ additional monthly child support for the following reasons *(specify):*
   d. ☐ $ child support from the beginning dates specified in item 1 through ☐ the end of the month in which this *Complaint* is filed ☐ date *(specify):* for the following children *(specify):*
8. ☐ Other *(specify):*
9. ☐ That the court order the obligor to provide health insurance for each child named in item 1, if available at no or reasonable cost, and to complete the attached health insurance form and immediately return it to the office of the local child support agency at the address printed in the top left corner of page one, and that a National Medical Support Notice be issued. **NOTICE**: The obligor's employer or other person providing health insurance will be ordered to enroll the children in an appropriate health insurance plan if the obligor is found to be the parent. (Fam. Code, § 3761)
10. That an earnings assignment be ordered.
11. That the court order the parents to advise the local child support agency within 10 days in writing of any change in residence or employment.
12. That the court order the obligor to make all payments to *(specify):*
13. That the other parent be added as a party to this case.
14. Number of pages attached: _____

NOTICE

IF YOU WANT LEGAL ADVICE, CONTACT A LAWYER IMMEDIATELY.

A Statement of Rights is attached to this document. Please read it carefully.

Date:

(TYPE OR PRINT NAME) (ATTORNEY FOR LOCAL CHILD SUPPORT AGENCY)

FL-600 [Rev. January 1, 2003] **SUMMONS AND COMPLAINT OR SUPPLEMENTAL COMPLAINT REGARDING PARENTAL OBLIGATIONS (Governmental)** Page 3 of 6

Figure 3: Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental) (3 of 6)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:

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. January 1, 2003] SUMMONS AND COMPLAINT OR SUPPLEMENTAL COMPLAINT REGARDING PARENTAL OBLIGATIONS (Governmental) Page 4 of 6

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

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:

NOTICE TO BOTH PARENTS

The local child support agency has sued both of you to determine whether you are the parents of the children listed and if one or both of you should be ordered to pay child support. The local child support agency does not represent any individual in this lawsuit, including either parent or the children. Carefully read this statement and the other papers that you received.

You have the right to be represented by a lawyer. If you dispute that you are the parent of the children listed in the *Complaint* and you do not have enough money for a lawyer, you may ask the court to appoint a lawyer to represent you on the issue of parentage.

☐ Other information about court-appointed lawyers *(specify)*:

A blank *Answer to Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)* (form FL-610) is included in the papers that were served on you. If you did not receive an *Answer* form or if you would like another copy, you may get one from the local child support agency, the court clerk's office, or the family law facilitator. The family law facilitator can assist you in filling out the *Answer* form. **You must file your *Answer* form with the court clerk within 30 days of the date you were served with the *Complaint* whether or not you obtain an attorney.**

Settling Out of Court

You may contact the local child support agency to try to work out a settlement agreement. However, you must still file an *Answer* form within 30 days. If you and the local child support agency can reach an agreement regarding the requests made in the *Complaint*, you may sign a settlement agreement called a STIPULATION. By signing a stipulation, you are agreeing to give up your rights explained in this statement, you are agreeing that you are the parent of the children listed in the *Complaint*, and you are agreeing to obey all of the terms of the stipulation. The stipulation will become a court order that you must obey.

Going to Court

If you file your *Answer* form, you have the right to a court hearing, to subpoena witnesses, to ask questions of any witness against you, and to present evidence on your behalf. Genetic tests may be performed if the defendant questions parentage of the children listed in the *Complaint*. If the defendant refuses to cooperate in the genetic testing process, the issue of parentage may be resolved against the defendant. The costs of the genetic testing may be charged to one of you.

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's 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.

You can object to the commissioner's acting as a temporary judge in one of two ways: (1) by telling the commissioner in court, at the start of your hearing, that you object or (2) by delivering a written objection to the court clerk. You must object before the hearing in your case begins. You do not have to give a reason for your objection.

FL-600 [Rev. January 1, 2003] **SUMMONS AND COMPLAINT OR SUPPLEMENTAL COMPLAINT REGARDING PARENTAL OBLIGATIONS (Governmental)** Page 5 of 6

Figure 5: Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental) (5 of 6)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:

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. January 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)

Answer to Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)

FL-610

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, state bar number, and address)*:	*FOR COURT USE ONLY*
TELEPHONE NO. *(Optional)*: FAX NO. *(Optional)*: E-MAIL 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:	
ANSWER TO COMPLAINT OR SUPPLEMENTAL COMPLAINT REGARDING PARENTAL OBLIGATIONS	CASE NUMBER:

YOU MUST FILE THIS ANSWER WITH THE COURT IF YOU WISH TO OPPOSE THE LAWSUIT

If you disagree with the proposed judgment attached to the *Summons and Complaint*, you must file this *Answer* with the court clerk within 30 days of the date you were served with the *Complaint*. File the original *Answer* with the court clerk at the address for the superior court stated above and serve a copy on the local child support agency. Keep a copy for your records.

1. **PARENTAGE:** I am the parent of the following children:

		Name of child	Date of Birth
☐ Yes	☐ No		
☐ Yes	☐ No		
☐ Yes	☐ No		
☐ Yes	☐ No		
☐ Yes	☐ No		
☐ Yes	☐ No		

☐ Additional children are listed on a page attached to this *Answer*.

2. I request a genetic test to determine parentage be done for all children for whom I have checked a "No" box above. I understand that the local child support agency will pay for the cost of the testing now, but that I may have to repay those costs if the court decides that I am the parent.

3. **CHILD SUPPORT**
   a. ☐ I agree to pay support as stated in the proposed judgment.
   b. ☐ I disagree with the support requested. Attached is my completed *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155). NOTE: You can file this *Answer* without either of these forms.

4. ☐ I disagree with the proposed judgment for the following reasons *(specify)*:

Page 1 of 3

Form Adopted for Mandatory Use
Judicial Council of California
FL-610 [Rev. January 1, 2003]

ANSWER TO COMPLAINT OR SUPPLEMENTAL COMPLAINT REGARDING PARENTAL OBLIGATIONS (Governmental)

Family Code, §§ 17400, 17404, 2330.1
www.courtinfo.ca.gov

Figure 7: Answer to Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental) (1 of 3)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:

5. My address and telephone number for receipt of all notices and court dates until I file a change with the court and with the local child support agency are as follows:

Address:
City and Zip Code:
Home Telephone:
Work Telephone:
E-mail Address *(optional)*:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

An adult other than you must complete the *Proof of Service* below and provide a copy of this *Answer* to the local child support agency at the following address *(specify)*:

PROOF OF SERVICE

6. I am at least 18 years of age, and not a party to this action. I served this *Answer* and any other forms filed with the *Answer* on the local child support agency and any other party required to be served.

a. ☐ **Personal delivery.** I personally delivered this *Answer* to an employee of the local child support agency as follows:

(1) Name of employee:
(2) Address where delivered:

(3) Date of delivery:
(4) Time of delivery:

b. ☐ **Mail.** I deposited this *Answer* in the United States mail, in a sealed envelope with postage fully prepaid. I used first class mail. The envelope was addressed and mailed as follows:

(1) Name:
(2) Address:

(3) Date of mailing:
(4) Place of mailing *(city and state)*:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME) (SIGNATURE OF PERSON WHO SERVED ANSWER)

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.

FL-610 [Rev. January 1, 2003] **ANSWER TO COMPLAINT OR SUPPLEMENTAL COMPLAINT REGARDING PARENTAL OBLIGATIONS (Governmental)** Page 2 of 3

Figure 8: Answer to Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental) (2 of 3)

INFORMATION SHEET FOR ANSWER TO COMPLAINT

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*.**

FL-610 [Rev. January 1, 2003] **ANSWER TO COMPLAINT OR SUPPLEMENTAL COMPLAINT REGARDING PARENTAL OBLIGATIONS (Governmental)** Page 3 of 3

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

Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment (Governmental)

FL-615

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406): TELEPHONE NO.: FAX NO.: 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:	
STIPULATION FOR ☐ JUDGMENT ☐ 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) ☐ Petitioner/Plaintiff present ☐ Attorney present *(name)*:
      (3) ☐ Respondent/Defendant present ☐ Attorney present *(name)*:
      (4) ☐ Other parent present ☐ Attorney present *(name)*:
      (5) Local child support agency (Family Code, §§ 17400, 17406) *(name)*:
      (6) ☐ 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 four 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 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 no change of circumstances need be shown to raise this order to the guideline amount.
         (2) ☐ Other rebutting factors *(specify)*:

   c. ☐ Attached is a computer printout showing the parents' incomes and percentage of time each parent spends with the child(ren). The printout, which shows the calculation of child support payable, will 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.

Page 1 of 4

Form Adopted for Mandatory Use Judicial Council of California FL-615 [Rev. January 1, 2003]

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

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:

3. d. The mother and father listed in the complaint are the parents of the children named in item 3e below.
   e. Obligor must pay current child support as follows:

Name	Date of birth	Monthly support amount

(1) ☐ Other *(specify):*

(2) ☐ For a total of: $ payable on the: day of each month beginning *(date):*

(3) ☐ The support order was reduced, following the low income adjustment, because the Obligor's net monthly income is less than $1,000.

(4) Any support ordered must 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 *(specify):*

Name	Date of birth	Period of support	Amount

(1) ☐ Other *(specify):*

(2) ☐ For a total of: $ payable: $ on the: day of each month beginning *(date):*

(3) ☐ Interest shall accrue 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 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.

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) must 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 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, an *Application and Order for Health Insurance Coverage* (form FL-470) will issue.

FL-615 [Rev. January 1, 2003] **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/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:

3. l. Both parents must complete a *Child Support Case Registry Form* (form FL-191) and send (deliver or mail) it to the local child support agency within 10 days of the date of this judgment. The parents must notify the local child support agency of any change in the information submitted within 10 days of the change by submitting an updated form.

m. The form *Notice of Rights and Responsibilities* 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 LOCAL CHILD SUPPORT AGENCY)

Date:

(TYPE OR PRINT NAME) (SIGNATURE OF FATHER)

Date:

(TYPE OR PRINT NAME) (SIGNATURE OF ATTORNEY FOR FATHER)

Date:

(TYPE OR PRINT NAME) (SIGNATURE OF MOTHER)

Date:

(TYPE OR PRINT NAME) (SIGNATURE OF ATTORNEY FOR MOTHER)

JUDGMENT

4. **The court so orders.**

Date:

JUDICIAL OFFICER

5. Number of pages attached: ____ ☐ SIGNATURE FOLLOWS LAST ATTACHMENT

FL-615 [Rev. January 1,2003] **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:

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 if I dispute that I am the parent of the children named in this action. I understand that 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: (a) determine if I am the parent of the children named in the stipulation; (b) decide how such child support I must pay; and (c) 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 who pays for the tests. The court could order that I pay none, some, or all of the costs of the tests.

5. I understand that by signing the *Stipulation for Judgment* 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.

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 reasonable cost. A health insurance coverage assignment may be ordered to get health insurance for my children.

8. I am signing the 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. 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 STIPULATION, AND THIS ADVISEMENT AND WAIVER OF RIGHTS AND I UNDERSTAND THEM.**

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

Date:

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

INTERPRETER'S DECLARATION. The defendant is unable to read or understand this advisement 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 defendant the *Stipulation* and *Advisement and Waiver of Rights.* The defendant said he or she understood the *Stipulation* and *Advisement and Waiver of Rights* before signing it.

Date:

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

FL-615 [Rev. January 1, 2003] **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)

Judgment Regarding Parental Obligations (Governmental)

FL-630

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406):

TELEPHONE NO.: FAX NO.:

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:

JUDGMENT REGARDING PARENTAL OBLIGATIONS

☐ _____ **AMENDED** ☐ _____ **SUPPLEMENTAL**

CASE NUMBER:

1. a. ☐ **NOTICE: THIS IS A PROPOSED JUDGMENT. This *Judgment Regarding Parental Obligations* will be entered by the court and will become legally binding unless you fill out and file the *Answer* (form FL-610) with the court clerk within 30 days of the date you were served with the *Summons and Complaint* (form FL-600). If you need an answer form, you may get one from the local child support agency's office, the court clerk, or the Family Law Facilitator. The Family Law Facilitator will help you fill out the forms. To file the answer, follow the procedures listed in the attached instructions.**
   b. ☐ **NOTICE: THIS IS A JUDGMENT. It is now legally binding.**
2. **THIS MATTER PROCEEDED AS FOLLOWS:**
   a. ☐ Judgment entered pursuant to Family Code section 17430.
   b. ☐ By court hearing, appearances as follows:
      (1) Date: Dept.: Judicial officer:
      (2) ☐ Petitioner/Plaintiff present ☐ Attorney present *(name)*:
      (3) ☐ Respondent/Defendant present ☐ Attorney present *(name)*:
      (4) ☐ Other parent present ☐ Attorney present *(name)*:
      (5) Local child support agency attorney (Family Code, §§ 17400,17406) *(name)*:
      (6) ☐ Other *(specify)*:
   c. The Obligor (the parent ordered to pay support) is ☐ Petitioner/Plaintiff ☐ Respondent/Defendant ☐ Other parent
3. ☐ This order is based on presumed income for the Obligor under Family Code section 17400.
4. ☐ Attached is a computer printout showing the parents' incomes and percentage of time each parent spends with the child(ren). The printout, which shows the calculation of child support payable, will become the court's findings.
5. ☐ This order is based on the attached documents *(specify)*:
6. **THE COURT ORDERS**
   a. The mother and father listed in the complaint are the parents of the children named in item 6b.
   b. Obligor must pay current child support as follows:

Name	Date of birth	Monthly support amount

   (1) ☐ Other *(specify)*:
   (2) ☐ For a total of: $ payable on the: day of each month beginning *(date)*:

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.

Page 1 of 2

Form Adopted for Mandatory Use
Judicial Council of California
FL-630 [Rev. January 1, 2003]

JUDGMENT REGARDING PARENTAL OBLIGATIONS (Governmental)

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

Figure 14: Judgment Regarding Parental Obligations (Governmental) (1 of 2)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:

6. b. (3) ☐ The support order was reduced, under the low-income adjustment, because the Obligor's net monthly income is less than $1,000.

(4) Any support ordered shall continue until further order of court, unless terminated by operation of law.

c. ☐ Obligor shall pay child support for the past periods and in the amounts set forth below:

Name	Date of birth	Period of support	Amount

(1) ☐ Other *(specify):*

(2) ☐ For a total of: $ payable: $ on the: day of each month beginning *(date):*

(3) ☐ Interest shall accrue on the entire principal balance owing and not on each installment as it becomes due.

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

e. No provision of this judgment can 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.

f. All payments should be made to *(name and address of agency):*

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

h. ☐ 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 must keep the local child support agency office 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; and (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.

i. Both parents must complete the *Child Support Case Registry Form* (form FL-191) and send (deliver or mail) it to the local child support agency within 10 days of the date of this judgment. The parents must notify the local child support agency of any change in the information submitted within 10 days of the change by submitting an updated form.

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

k ☐ The following person (the "Other Parent") is added as a party to this action under Family Code section 17404 *(name):*

l. ☐ Obligor shall pay costs of: $

m ☐ The court further orders *(specify):*

Date:

7. Number of pages attached: _____

JUDICIAL OFFICER

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

Approved as conforming to court order:
Date:

(SIGNATURE OF ATTORNEY FOR OBLIGOR)

Page 2 of 2

FL-630 [Rev. January 1, 2003]

JUDGMENT REGARDING PARENTAL OBLIGATIONS (Governmental)

Figure 15: Judgment Regarding Parental Obligations (Governmental) (2 of 2)

Notice Regarding Payment of Support (Governmental)

FL-632

GOVERNMENTAL AGENCY *(under Family Code, §§ 17400, 17406):*

☐ RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

TELEPHONE NO.: FAX NO.:

FOR RECORDER'S USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

FOR COURT USE ONLY

PETITIONER/PLAINTIFF:

RESPONDENT/DEFENDANT:

OTHER PARENT:

NOTICE REGARDING PAYMENT OF SUPPORT

☐ **NOTICE OF ASSIGNED SUPPORT** ☐ **SUBSTITUTION OF PAYEE**

CASE NUMBER:

1. The Obligor (the judgment debtor) in this proceeding is *(name and last known address)*:

2. ☐ The local child support agency is providing services in this proceeding under Title IV-D of the Social Security Act.
3. ☐ The local child support agency is no longer providing services as follows:
   a. ☐ No longer enforcing current support only—arrears will continue to be paid to the local child support agency
   b. ☐ No longer providing any services.
4. ☐ The local child support agency gives notice under Family Code section 4506.3 that
   a. ☐ the judgment debtor must make all current support payments in this proceeding to *(specify)*:
   b. ☐ the judgment debtor must make all payments on arrearages in this proceeding to
      (1) ☐ the payee named in item 4a.
      (2) ☐ other *(specify)*:
   c. ☐ the governmental agency specified above is substituted as payee.
   d. ☐ an abstract of support judgment or support judgment was originally recorded in the county of *(specify)*:
      on *(date)*: at *(Recorder's identification number)*:
5. ☐ **NOTICE OF ASSIGNMENT:** An assignment of support rights by operation of law has been made to the county named above under Welfare and Institutions Code section 11477(a).
6. ☐ **NOTICE OF SUPPORT COLLECTION: For purposes of collection only,** the governmental agency identified above is assignee of record of all support obligations as specified below and that agency will appear in this case to enforce
   a. ☐ all support obligations
   b. ☐ support arrears only
   c. ☐ medical obligations as required by federal law.

THE SUBSTITUTED PAYEE MUST BE CONTACTED WHEN NOTICE TO A LIENHOLDER MAY OR MUST BE GIVEN.

Page 1 of 2

Form Adopted for Mandatory Use
Judicial Council of California
FL-632 [Rev. January 1, 2003]

NOTICE REGARDING PAYMENT OF SUPPORT
(Governmental)

Family Code, §§ 4200, 4201, 4204, 4350, 4351, 4506.3, 17400
www.courtinfo.ca.gov

Figure 16: Notice Regarding Payment of Support (Governmental) (1 of 2)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:

7. ☐ Both parents must complete the *Child Support Case Registry Form* (form FL-191) and send (deliver or mail) it to the local child support agency within 10 days of being served with this notice. The parents must notify the local child support agency of any change in the information by submitting an updated form within 10 days of the change.

Date:

(TYPE OR PRINT NAME) (SIGNATURE)

ACKNOWLEDGMENT
(To be completed only when this form is recorded)

STATE OF CALIFORNIA
COUNTY OF

On , before me,
Notary Public, personally appeared:

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
WITNESS my hand and official seal.

(SIGNATURE OF NOTARY)

(Seal)

Page 2 of 2

FL-632 [Rev. January 1, 2003] **NOTICE REGARDING PAYMENT OF SUPPORT (Governmental)**

Figure 17: Notice Regarding Payment of Support (Governmental) (2 of 2)

Notice of Registration of California Support Order (Governmental)

(THIS FORM IS FOR COURT USE ONLY)

FL-651

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

FOR REGISTERING COURT USE ONLY

PETITIONER/PLAINTIFF:

RESPONDENT/DEFENDANT:

OTHER PARENT:

NOTICE OF REGISTRATION OF CALIFORNIA SUPPORT ORDER
☐ **Support Order** ☐ **Order for Earnings Assignment**

CASE NUMBER:

FOR COURT RECEIVING NOTICE ONLY

1. a. To registering court *(specify):*
for case number:

b. To court where support order was previously issued or registered
(specify): for case number:

c. To court where support order was previously issued or registered
(specify): for case number:

d. To court where support order was previously issued or registered
(specify): for case number:

CASE NUMBER:

A ☐ California Support Order ☐ California Order for Earnings Assignment in the above actions has been registered with this court. A copy of the *Statement for Registration of California Support Order* (FL-650, or use FL-440 if the obligee has registered the order) is attached.

CLERK'S CERTIFICATE OF MAILING

2. I certify that I am not a party to this cause and that a copy of the notice of registration and statement for registration were sent by first-class mail to each of the courts named in item 6 of the statement for registration. The copies were enclosed in an envelope with postage fully prepaid. The envelope was addressed to the court named in item 6 of the *Statement for Registration of California Support Order* (FL-650, or FL-440), sealed, and deposited with the United States Postal Service

at *(place):*

on *(date):*

3. Copies were sent to the following local child support agencies and courts on *(date):*
(*Notice must be sent to the local child support agency in each county and courts specified in item 1.)*

Date:

Clerk, by _____, Deputy

NOTICE: Each court that receives this notice must file it in the court file of the appropriate case. All future proceedings regarding the registered support order must be filed in the court specified above under Family Code section 5601.

Page 1 of 1

Form Adopted for Mandatory Use
Judicial Council of California
FL-651 [Rev. January 1, 2004]

NOTICE OF REGISTRATION OF CALIFORNIA SUPPORT ORDER
(Governmental)

Family Code, § 5601
www.courtinfo.ca.gov

American LegalNet, Inc.
www.USCourtForms.com

Figure 18: Notice of Registration of California Support Order (Governmental)

Order After Hearing (Governmental)

FL-687

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406): TELEPHONE NO.: FAX NO.: 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:	
ORDER AFTER HEARING	CASE NUMBER:

1. This matter proceeded as follows: ☐ Uncontested ☐ By stipulation ☐ Contested

a. Date: Dept.: Judicial officer:

b. ☐ Petitioner/Plaintiff present ☐ Attorney present *(name)*:

c. ☐ Respondent/Defendant present ☐ Attorney present *(name)*:

d. ☐ Other parent present ☐ Attorney present *(name)*:

e. Local child support agency attorney (Family Code, §§ 17400, 17406) *(name)*:

f. ☐ Other *(specify)*:

g. The Obligor (the parent ordered to pay support) is ☐ Petitioner/Plaintiff ☐ Respondent/Defendant ☐ Other parent

2. ☐ Attached is a computer printout showing the parents' income and percentage of time each parent spends with the child(ren). The printout, which shows the calculation of child support payable, will become the court's findings.

3. ☐ This order is based on the attached documents *(specify)*:

THE COURT ORDERS

4. a. All orders previously made in this action remain in full force and effect except as specifically modified below.

b. Obligor is the parent of and must pay current child support for the following children:

Name	Date of birth	Monthly support amount

(1) ☐ Other *(specify)*:

(2) ☐ For a total of: $ payable on the: day of each month beginning *(date)*:

(3) ☐ The support order was reduced, under the low income adjustment, because the Obligor's net monthly income is less than $1,000.

(4) Any support ordered will continue until further order of court, unless terminated by operation of law.

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

Page 1 of 2

Form Adopted for Mandatory Use
Judicial Council of California
FL-687 [Rev. January 1, 2003]

ORDER AFTER HEARING
(Governmental)

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

Figure 19: Order After Hearing (Governmental) (1 of 2)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:

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 will accrue 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 must 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 ☐ 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 must 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 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* (form FL-470) must issue.

   h. Both parents must complete the *Child Support Case Registry Form* (form FL-191) and send (deliver or mail) it to the local child support agency within 10 days of the date of this order. The parents must notify the local child support agency of any change in the information submitted on the form by submitting an updated form within 10 days of the change.

   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:

JUDICIAL OFFICER

5. Number of pages attached: _____

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

Approved as conforming to court order:
Date:

(SIGNATURE OF ATTORNEY FOR OBLIGOR)

Page 2 of 2

FL-687 [Rev. January 1, 2003]

ORDER AFTER HEARING
(Governmental)

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

Establishment Flowcharts

Establishment of a New Child Support Order Flowchart

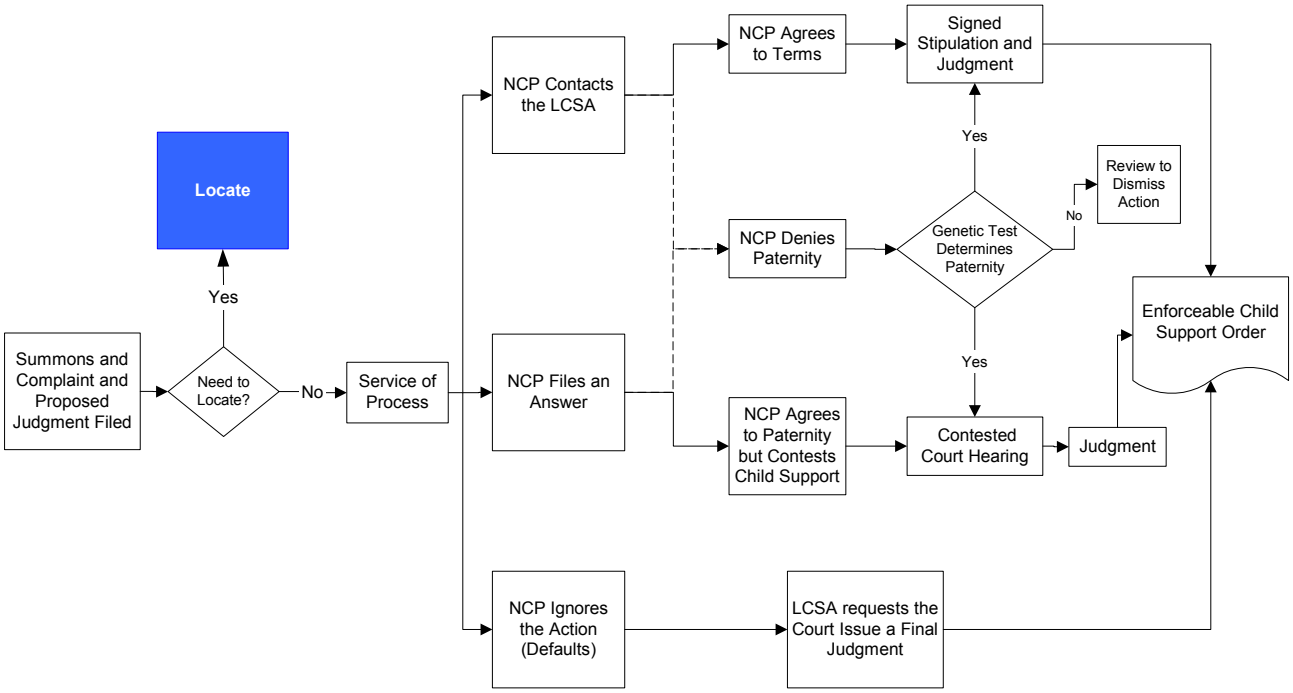

Figure 21: Establishment of a New Child Support Order

Existing Order Flowchart

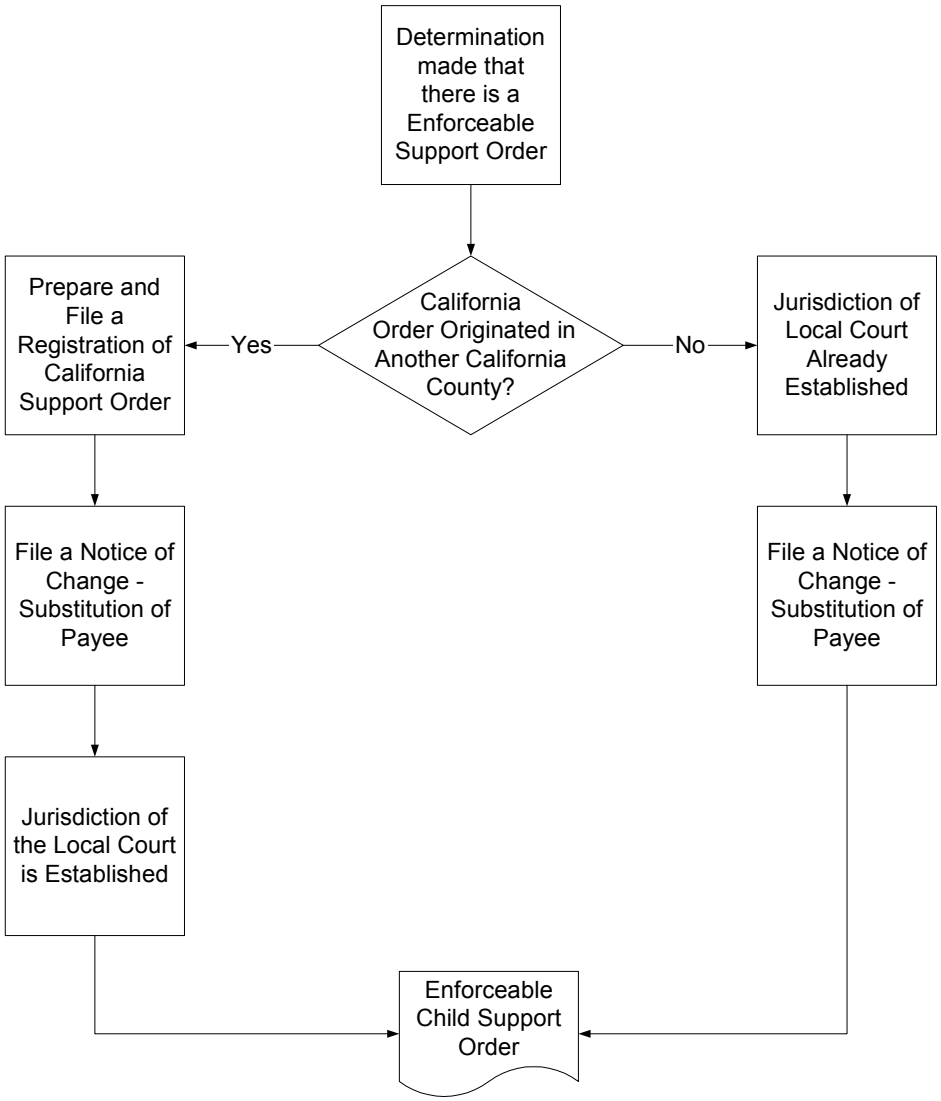

Figure 22: Existing Order Flowchart

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
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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.
- 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.
- The LCSA must conduct the review and 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.

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. 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 children
- 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 children
- A change in the cost of travel for visitation with the children
- 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 - Title 22, Section 116114 of the Family Code.

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 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 California Code of Regulations Section 117403:

- 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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- Earnings and Employers 99

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- Integrated Data Base 104
- Immediate Enforcement Actions 104
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- Extraordinary Enforcement Actions 113
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Enforcement Flowchart 135

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) 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) 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 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 on statutory exemptions see Sections 703.010 - 704.995 of the California Code of Civil Procedure and Section 17516 of the California Family Code.

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 persons 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 Denials
  - ✓ Franchise Tax Board (FTB) Intercepts of State Income Tax Refunds and State Lottery Winnings
  - ✓ California Insurance Intercept Project (CIIP)
  - ✓ State Licensing Match System
  - ✓ FTB Child Support Collection
  - ✓ Employment Development Department (EDD)
    - New Employee Registry
    - Income Earnings System
    - State Disability Insurance Intercepts/Unemployment Insurance Benefits Intercepts
- **Special Enforcement Actions**
  - ✓ Order for Judgment Debtor Examination
  - ✓ Job Search Orders
  - ✓ Contempt
  - ✓ Writs of Execution
  - ✓ Security Deposits of Money
  - ✓ Creditor's Claim on Personal Property in the Estate of a Deceased NCP
  - ✓ NCP's Interest in Personal Property in the Estate of a Decedent
  - ✓ Liens on Workers' Compensation Awards
  - ✓ Liens in Pending Actions/Special Proceedings
  - ✓ Voiding Fraudulent Transfers
- **Extraordinary Enforcement Actions**
  - ✓ IRS Full Collection Service
  - ✓ Criminal Actions
    - Failure to Provide PC 270, 271
    - Willful Disobedience of a Court Order PC 166 (a)(4)

  - ✓ Project Save Our Children (federal criminal prosecution)
- **Other Legal Actions**
  - ✓ Motions to Determine Arrearages
  - ✓ Parents as Parties Seeking Independent Enforcement Actions
  - ✓ Private Collection Agencies

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 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 and 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 LCSA.

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 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 current 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. 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 drivers' 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 drivers' 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 – Commercial and Occupational Driver’s 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

FTB Child Support Collection Program

The FTB is responsible for collecting all child support debts more than 60 days delinquent with an outstanding balance of $100 or more. By use of its taxing authority, FTB is empowered to initiate the following enforcement actions through the child support collection program:

- Levy against bank accounts and wages
- Seize real or personal property
- Refer cases to out-of-state collection agencies

Cases are submitted directly from the LCSA to the FTB. When a case is accepted by FTB, a demand for payment notice is mailed to the NCP. If the NCP contacts the FTB with a claim of hardship, the FTB 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, the FTB issues a levy against sources of income. If the levy attaches to a bank account, the NCP has 10 days to pay the obligation, or the bank forwards the funds to FTB. If the levy attaches wages,

the NCP has at least 10 days to pay before the employer begins to withhold up to 50 percent of the NCP's disposable income.

Through contracts with private collection firms, the FTB may collect delinquent support owed by parents who reside outside of California and have no assets in the state.

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 the 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 the 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

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.

Job Search Orders

A Job Search Order is used to require an unemployed NCP to obtain employment. 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.

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 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 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, if 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.” The elements of the crime are:

- 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. The elements of contempt are as follows:

- A valid order
- 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
- Ability to comply

Contempt requires 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 Legal Actions

Other legal actions are enforcement actions requiring review of individual case circumstances. A delinquency is not required to initiate other legal actions.

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.

Before filing an independent enforcement action, the CP must provide notice to the LCSA at least 30 days prior to the filing. 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.)

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 which are initiated by an NCP are:

- **Chapter 7 Case** is a 90 to 120 day procedure in which the debtor intends to discharge dischargeable 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 may not last 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, other 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; 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.

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: _____

_____)
Employer/Withholder's Federal EIN Number

_____)
Employer/Withholder's Name

_____)
Employer/Withholder's Address

_____)
Custodial Parent's Name (Last, First, MI)

_____)
Custodial Parent's Mailing 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)

RE* _____
Employee's Name (Last, First, MI)

_____
Employee's Social Security Number

_____
Employee's Mailing Address

_____
Substituted Official/Agency Name and Address

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: 12/31/2003.

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.

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).

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 time (for example, the completion of a certain number of hours worked), notify the plan administrator when the employee is eligible to enroll in the plan and that

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

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.

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:_____
_____.

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 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

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

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 any 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: _____

_____)
Employer/Withholder's Federal EIN Number

_____)
Employer/Withholder's Name

_____)
Employer/Withholder's Address

_____)
Custodial Parent's Name (Last, First, MI)

_____)
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)

RE* _____
Employee's Name (Last, First, MI)

_____
Employee's Social Security Number

_____
Employee's Address

_____
Substituted Official/Agency Name and Address

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 cu rrently 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 dependent s 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.

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

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

Judicial Council Forms

This section includes commonly used Judicial Council forms.

Order/Notice to Withhold Income For Child Support

FL–196

ORDER/NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT

OMB Control No.: 0970-0154

[ ] Original [ ] Amended [ ] Termination 1a

State: California 1b

Co./City/ Dist. of: 1c

Tribunal/Case Number: 1d

2a

Employer/Withholder's Name:

2b

Employer/Withholder's Address:

2c

2d

Employer/Withholder's Federal EIN Number (if known):

3a

RE: Employee/Obligor's Name (Last, First, MI): 4 **Child(ren)'s Name(s):** **DOB:**

3b

Employee/Obligor's Social Security Number:

3c

Employee/Obligor's Case Identifier:

3d

Obligee Name (Last, First, MI):

5

[ ] If checked, you are required to enroll the child(ren) identified above in any health insurance coverage available to the employee/obligor through his/her employment.

ORDER INFORMATION: **This *Order/ Notice* is based upon an order for support order (order number) from (state) 6.**
You are required by law to deduct these amounts from the employee's/obligor's income until further notice.

$ 7a per 7b current child support 14
$ 8a per 8b past-due child support — Arrears 12 weeks or greater? [ ] yes [ ] no
$ 9a per 9b current medical support
$ 10a per 10b past-due medical support
$ 11a per 11b spousal support
$ 12a per 12b other (specify): 12c

for a total of $ 13a per 13b 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 support payment cycle, use the following to determine how much to withhold:

$ 15a per weekly pay period. **$ 15c per semimonthly pay period (twice a month).**
$ 15b per biweekly pay period (every two weeks). **$ 15d per monthly pay period.**

REMITTANCE INFORMATION: When remitting payment, provide the paydate/ date of withholding and the case identifier. If the employee's/ obligor's principal place of employment is 16 begin withholding no later than the first pay period occurring 17 days after the date of this *Order/ Notice*. Send payment within 19 working days of the paydate/ date of withholding. The total withheld amount, including your fee, cannot exceed 20 % of the employee's/obligor's aggregate disposable weekly earnings.

If the employee's/ obligor's principal place of employment is not 21, 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 #4 and #10, ADDITIONAL INFORMATION TO EMPLOYERS AND OTHER WITHHOLDERS).

If remitting payment by EFT/ EDI, call 22a before first submission. Use this FIPS code: 22b
Bank routing code: 22c Bank account number: 22d.

Make check payable to: *(Payee and Case identifier):* 23

Send check to: 24

Authorized by: 25a Date: 25b

Authorized by: Date:

Print Name Date:

Of Authorized 26 Date:

Official(s): Date:

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 11: Order/Notice to Withhold Income for Child Support (1 of 5)

FL-196 / OMB Control No.: 0970-0154

ADDITIONAL INFORMATION TO EMPLOYERS AND OTHER WITHHOLDERS

[X] **If checked, you are required to provide a copy of this form to your employee, along with a blank *Request for Hearing Regarding Earnings Assignment* (form FL-450) within 10 days. 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 even if the box is not checked.**

1. We appreciate the voluntary compliance of Federally recognized Indian tribes, tribally–owned businesses, and Indian–owned business located on a reservation that choose to withhold in accordance with this notice.
2. **Priority:** Withholding under this *Order/Notice* has priority over any other legal process under State law against the same income. Federal tax levies in effect before receipt of this order have priority. If there are Federal tax levies in effect, please contact the State Child Support Enforcement Agency or party listed in number 12 below.
3. **Combining Payments:** You can 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.
4. **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 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 order and forward the support payments.
5. **Employee/Obligor with Multiple Support Withholdings:** If there is more than one *Order/Notice to Withhold Income for Child Support* against this employee/obligor and you are unable to honor all support *Order/Notices* due to Federal or State withholding limits, you must follow the law of the state of the employee's/obligor's principal place of employment. You must honor all *Order/Notices* to the greatest extent possible. (see #10 below)
6. **Termination Notification:** You must promptly notify the Child Support Enforcement Agency or payee when the employee/obligor no longer works for you. Please provide the information requested and return a complete copy of this *Order/Notice* to the Child Support Enforcement Agency or payee.

   EMPLOYEE'S/ OBLIGOR'S NAME: _____ **CASE IDENTIFIER:** _____

   DATE OF SEPARATION FROM EMPLOYMENT: _____

   LAST KNOWN HOME ADDRESS: _____ **NEW EMPLOYER'S ADDRESS:** _____

7. **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 person or authority below.
8. **Liability:** If you have any doubts about the validity of the *Order/Notice*, contact the agency or person listed below. If you fail to withhold income as the *Order/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 law.
9. **Anti-discrimination:** You are subject to a fine determined under State 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.
10. **Withholding Limits:** 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 deduct ions such as: State, Federal, local taxes; Social Security taxes; and Medicare taxes; along with disability insurance and payments to public employees' retirement systems. After the Obligor's disposable earnings are known, withhold the amount required by the *Order/Notice*, **but never withhold more than 50 percent of the disposable earnings unless the court order specifies a higher percentage.** Federal law prohibits withholding more than 65 percent of disposable earnings of an employee in any case.
11. **To the Employee/Obligor:** If you did not receive a blank *Request for Hearing Regarding Earnings Assignment* (form FL-450), you may get one from the court clerk, the local child support agency, or the family law facilitator.
12. **Submitted by:**
    31
13. If you or your employee/obligor have any questions, contact: 32a
    by telephone at 32b or by FAX at 32c or by Internet 32d
14. **Earnings for purposes of this *Order/ Notice* include:** 1) wages, salary, bonuses, vacation pay, retirement pay, and commissions paid by an employer; 2) payments for services of independent contractors; 3) dividends, interest, rents, royalties, and residuals; 4) patent rights, and mineral or other natural resource rights; 5) any payments due as a result of written or oral contracts for services or sales, regardless of title; 6) payments due for workers' compensation temporary benefits, or payments from a disability or health insurance policy or program; and 7) any other payments or credits due regardless of source.

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Figure 12: Order/Notice to Withhold Income for Child Support (2 of 5)

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The *Order/Notice to Withhold Income for Child Support* is a standardized form used for income withholding in intrastate and interstate cases. The following are instructions to complete the *Order/Notice to Withhold Income for Child Support*. When completing the form, please include the following information. The person or agency completing this form may cross out the word " Order" or " Notice" if that term is inappropriate under the law of the issuing state.

1a. Check the appropriate status of the *Order/Notice to Withhold*.
1b. Name of the issuing State or territory.
1c. Name of the order issuing tribunal or other jurisdictional designation, if any used by the order issuing State.
1d. Identifying number used by the court/agency issuing this *Order/Notice*, if appropriate.

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

3a. Employee/Obligor' s last name, first name, and middle initial.
3b. Employee/Obligor' s Social Security Number (if known).
3c. The identifier used by the order issuing state for recording payments. (May be the same as #1d.)
3d. Custodial Parent's last name, first name, and middle initial (if known).

4. Child(ren)' s name(s) and date(s) of birth listed in the support order.

5. Check if the child support order requires enrollment of the child(ren) in any health insurance coverage available to the employee's/obligor' s through his/her employer. (The space on the form is provided for instructions to the employer, i.e. "see attached medical support form.")

ORDER INFORMATION:

6. Name of state that issued the order.

7a. Dollar amount to be withheld for payment of current child support.
7b. Time period that corresponds to the amount in #7a (such as month, week, etc.).

8a. Dollar amount to be withheld for payment of past-due child support under State law.
8b. Time period that corresponds to the amount in #8a (such as month, week, etc.).

9a. Dollar amount to be withheld for payment of current medical support, as appropriate, based on the underlying order.
9b. Time period that corresponds to the amount in #9a (such as month, week, etc.).

10a. Dollar amount to be withheld for payment of past-due medical support, if appropriate, based on the underlying order.
10b. Time period that corresponds to the amount in #10a (such as month, week, etc.).

11a. Dollar amount to be withheld for payment of spousal support (alimony), if appropriate, based on the underlying order.
11b. Time period that corresponds to the amount in #11a (such as month, week, etc.).

12a-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 #13a (e.g., month), and describe the miscellaneous obligation.

13a. Total of #7a, #8a, #9a, #10a, #11a, and #12a.
13b. Time period that corresponds to the amount in #13a (e.g., month).

14. Check this box if arrears are 12 weeks or greater.

15a. Amount an employer should withhold if the employee is paid weekly.
15b Amount an employer should withhold if the employee is paid every two weeks.
15c. Amount an employer should withhold if the employee is paid twice a month.
15d. Amount an employer should withhold if the employee is paid once a month.

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Figure 13: Order/Notice to Withhold Income for Child Support (3 of 5)

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Instructions to complete the Order/ Notice to Withhold Income for Child Support - continued

REMITTANCE INFORMATION:

16. The State in which this *Order/Notice* is issued.

17. Number of days in which the withholding must begin pursuant to the issuing State' s law.

18. N/A

19. Number of working days within which an employer or other payor of income must remit amounts withheld pursuant to the issuing State' s law.

20. Maximum percentage that can be withheld based on the applicable withholding limit of the issuing State. If the Federal Consumer Credit Protection Act laws of the issuing State allows the additional arrearage payment of 5 percentage points to the percentage normally specified in #20 (i.e., 65% instead of 60% or 55% instead of 50% if the obligor supports a second family), use this increased percentage in #20 and check #14 on the *Order/Notice* to indicate the support is 12 weeks or more in arrears.

21. The State in which this *Order/Notice* is issued.

22a. The agency' s number for representative to provide EFT/EDI instructions. Contact the court/agency before the first EFT/EDI submission.
22b. Complete only for EFT/EDI transmission. Federal Information Process Standard (FIPS) code for transmitting payments through EFT/EDI. The FIPS code is five characters that identify the State and county. It is seven characters when it identifies the State, county, and a location within the county. It is necessary for centralized collections.
22c. Complete only for EFT/EDI transmission. Receiving agency' s bank routing number.
22d. Complete only for EFT/EDI transmission. Receiving agency' s bank account number.

23. Name of the collection unit (State Disbursement Unit), person, or tribunal/court 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 law to issue an income withholding order. Please include the case identifier used to record payment (may be the same as 3c).

24. Street address, city, and state of the collection unit, person, or tribunal/court identified in #22. This information is shared with the obligor. If you have a confidential address, please contact your IV-D agency.

25a. Signature of official(s) authorizing the *Order/Notice*. This line may be optional only if the *Order/Notice* includes the name and title of an official of the State or local IV-D agency on line 24, and a signature of the official is not required by State law.
25b. Date of signature.

26. Print name and title of the official(s) State of local IV-D agency authorizing this *Order/ Notice*.

27. N/A

28 N/A

29. N/A

30. N/A

31. Name and address of the State of local IV-D agency, tribunal/court, individual, or private agency submitting the income withholding.

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Figure 14: Order/Notice to Withhold Income for Child Support (4 of 5)

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Instructions to complete the Order/ Notice to Withhold Income for Child Support - continued

32a. Name of the child support enforcement agency' s contact person or party whom an employer and/or employee/obligor may call for information regarding the *Order/Notice*.
32b. Telephone number of the contact person who an employer may call for information regarding the *Order/Notice*.
32c. Facsimile number for the person who appears in #32a.
32d. Internet address for the person whose name appears in #32a.

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

- Serve the *Order/Notice* 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 more complete list see 5 CFR 581.103.

* *

The Paperwork Reduction Act of 1995

This information collection is conducted in accordance with 45 CFR 303.7 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 15: Order/Notice to Withhold Income for Child Support (5 of 5)

Enforcement Flowchart

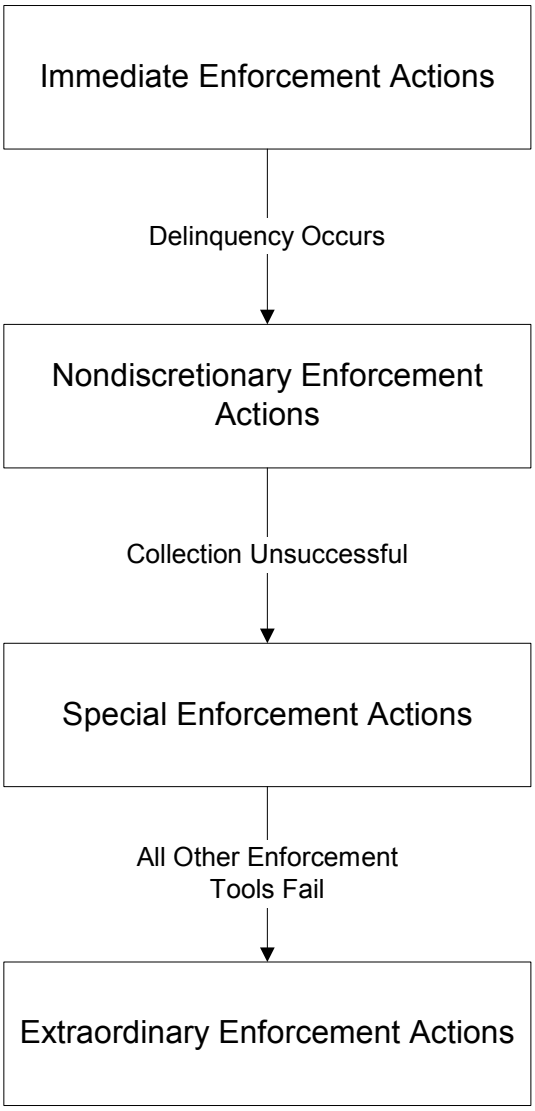

Figure 16: Enforcement Flowchart

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).

Introduction to Interstate 139
- Federal and State Timeframes 139
- History of Interstate Support Enforcement 139

A New Approach – UIFSA 143
- How UIFSA Works 143
- Establishment Under UIFSA 143
- Enforcement Under UIFSA 144
- Modification of Orders (Adjustment) Under UIFSA 144

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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

- Ten days to forward new information received to the responding State
- Ten days to transfer a responding case to another California county when the NCP moves and the case is no longer enforceable in this county
- Ten days to send the new address to the initiating State and Central Registry when the NCP is located in another State
- Twenty days to send a petition/registration to another State and the NCP is located, if enforcement in no longer possible in California
- Thirty 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?

URESA 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 (RURESA) 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 RURESA.

The Problem With RURESA

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 RURESA, while the others followed URESA. 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 and 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:

- 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
- Resided in California and provided pre-natal expenses or support for the child
- Child resides in California as a result of the acts or directive of the individual/ nonresident obligor
- Engaged in sexual intercourse in California and the minor child may have been conceived by that act
- 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 Paternity Opportunity Program declaration 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 RURESA 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 when federally mandated or when California requests a waiver from the UIFSA requirement currently in effect, whichever comes first.

Chapter 10

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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Payment Processing Flowchart 171

Introduction to Financial Management

The Personal Responsibility and Work Opportunities Reconciliation Act of 1996 (PRWORA) revised how 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 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

Aid Category	*Aid Code*
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**

.

Table 2: Non-Federal Aid Codes

Aid Category	*Aid Code*
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 and the date of collection for each payment source. Date of collection means the date for determining entitlement to a support payment received by the LCSA.

The collection date information shown in *Table 3* is taken directly from the DCSS Manual of Policy and Procedures (MPP) Sections 12-101 and 12-415, and FSD Letter 94-14.

Table 3: Payment Sources, Allocation Rules, and Date of Collection

Payment Source	*Allocation Rules*	*Collection Date*
1. Bankruptcy Trustee	To the specific case	Date payment is received by the Title IV-D Agency initially making the collection
2. Board of Equalization	To all NCP's cases	Date payment is received by the California Department of Social Services
3. Direct Payment	To the specific case	Date payment is received by the CP.

Table 3: Payment Sources, Allocation Rules, and Date of Collection

Payment Source	*Allocation Rules*	*Collection Date*
4. Financial Management Services Administrative Offset	To all NCP's cases submitted to the Department of Treasury with certified arrearages	Date the payment is identified in the title of the transfer report
5. FTB Child Support Collection Program	To the specific case	Date is dependent upon payment source to FTB
6. FTB Tax Intercept	To all the NCP's cases with certified arrearages	Date the payment is identified in the title of the transfer report
7. Income Withholding Order	To the specific case with the order	Date that the payment is withheld from the absent parent's wages by the employer. This date is provided by the employer. If the employer does not provide this date, the local child support agency shall either contact the employer to obtain the date, or reconstruct the date by comparing the actual amounts collected with the pay schedule specified in the court order.
8. Interstate Collection	To the specific case	Date of collection is contingent upon the payment source in the state initially making the collection. • Initiating – For Initiating jurisdictions (the other state Title IV-D agency initially makes the collection) the date of collection for purposes of determining entitlement to any payments to families, is the date of collection provided by the other state. • Responding – For responding jurisdictions (the California county initially makes the collection) the date of collection is contingent upon the payment source in the county initially making the collection.
9. IRS Full Collection	To the specific case submitted to the IRS for full collection services	Date received by the Department of Justice

Table 3: Payment Sources, Allocation Rules, and Date of Collection

Payment Source	*Allocation Rules*	*Collection Date*
10. IRS Tax Intercept	To all the NCP's cases submitted to IRS with certified assigned arrearages first and then unassigned arrearages	Date the payment is identified in the title of the transfer report
11. Judgment Debtor Exam	To the specific case	Date payment is received by the Title IV-D Agency initially making the collection
12. Lottery Intercept	To all NCP's cases	Date the payment is identified in the title of the transfer report
13. Military Allotment	To the specific case with order	Issue date on the check
14. NCP Payment	To all NCP's cases	Date that the payment is received by the local child support agency initially making the collection
15. Personal Property Liens	To the specific case with the lien filed	Date that the payment is received by the local child support agency initially making the collection
16. Real Property Liens	To all NCP's cases which have a lien filed	Date that the payment is received by the local child support agency initially making the collection
17. Security Deposit of Money	To the specific case with order	Date that the payment is received by the local child support agency initially making the collection
18. State Disability Insurance (SDI) Intercept	To all the NCP's cases	Date the benefit is issued to the absent parent - identified as issue date on the transfer report
19. Unemployment Compensation Benefits	To all NCP's cases	Date the benefit is issued payments to the absent parent which is identified on the transfer report, and labelled as the issue date.
20. Voluntary Payment (No Court Order in case)	To NCP's cases with a court order first, and remaining amount to the case without an order	Date that the payment is received by the local child support agency initially making the collection
21. Workers' Compensation Lump Sum Liens	To all NCP's cases with liens filed	Date payment is received by the Title IV-D agency initially making the collection
22. Workers' Compensation - Withholding	To all NCP's cases with withholding claims	No current State-wide policy

Table 3: Payment Sources, Allocation Rules, and Date of Collection

Payment Source	*Allocation Rules*	*Collection Date*
23. Writ of Execution	To the specific case with order	Date that the payment is received by the local child support agency after the period for appealing the action has expired.

Allocation Formula

When a 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 arrearage amounts**. If the payment is sufficient to satisfy all of the NCP's current support obligation and there is a balance remaining then 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 or 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 arrearages principal
8. Never assigned medical support arrearages principal
9. Never assigned spousal support arrearages principal
10. Fees and costs interest
11. Fees and costs principal
12. Futures

Never Assistance Cases – IRS Tax Offset Distribution

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 arrearages principal
5. Never assigned medical support arrearages principal
6. Never assigned spousal support arrearages 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 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 arrearages principal
8. Permanently assigned medical support arrearages principal
9. Permanently assigned spousal support arrearages principal

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

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 arrearages principal
14. Temporarily assigned medical support arrearages principal
15. Temporarily assigned spousal support arrearages principal
16. Fees and costs interest
17. Fees and costs principal
18. Futures

Current Assistance Cases – IRS Tax Offset Distribution

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 arrearages principal
5. Permanently assigned medical support arrearages principal
6. Permanently assigned spousal support arrearages 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 arrearages principal
11. Temporarily assigned medical support arrearages principal
12. Temporarily assigned spousal support arrearages 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 or 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 arrearages principal
8. Never assigned medical support arrearages principal
9. Never assigned spousal support arrearages 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 arrearages principal
14. Conditionally assigned medical support arrearages principal
15. Conditionally assigned spousal support arrearages 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 arrearages principal
20. Unassigned pre-assistance medical support arrearages principal
21. Unassigned pre-assistance spousal support arrearages 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 arrearages principal
26. Permanently assigned medical support arrearages principal
27. Permanently assigned spousal support arrearages 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 arrearages principal
32. Unassigned during assistance medical support arrearages principal
33. Unassigned during assistance spousal support arrearages principal
34. Fees and costs interest
35. Fees and costs principal
36. Futures

Former Assistance Cases – IRS Tax Offset Distribution

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 arrearages principal
5. Permanently assigned medical support arrearages principal
6. Permanently assigned spousal support arrearages 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 arrearages principal
11. Conditionally assigned medical support arrearages principal
12. Conditionally assigned spousal support arrearages principal

13. Unassigned pre-assistance child interest
14. Unassigned pre-assistance medical support interest
15. Unassigned pre-assistance spousal support interest
16. Unassigned pre-assistance child arrearages principal
17. Unassigned pre-assistance medical support arrearages principal
18. Unassigned pre-assistance spousal support arrearages 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 arrearages principal
23. Unassigned during assistance medical support arrearages principal
24. Unassigned during assistance spousal support arrearages 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 arrearages principal
29. Never assigned medical support arrearages principal
30. Never assigned spousal support arrearages 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 arrearages principal
8. Never assigned medical support arrearages principal
9. Never assigned spousal support arrearages 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 arrearages principal
14. Conditionally assigned medical support arrearages principal
15. Conditionally assigned spousal support arrearages principal
16. Unassigned pre-assistance arrearages for 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 arrearages principal

20. Unassigned pre-assistance medical support arrearages principal
21. Unassigned pre-assistance spousal support arrearages 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 arrearages principal
26. Permanently assigned medical support arrearages principal
27. Permanently assigned spousal support arrearages 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 arrearages principal
32. Temporarily assigned medical support arrearages principal
33. Temporarily assigned spousal support arrearages 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 arrearages principal
39. Unassigned during assistance medical support principal
40. Unassigned during assistance spousal support principal
41. Fees and costs interest
42. Fees and costs principal
43. Futures

Mixed Status Cases – IRS Tax Offset Distribution

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 arrearages principal
5. Permanently assigned medical support arrearages principal
6. Permanently assigned spousal support arrearages 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 arrearages principal
11. Temporarily assigned medical support arrearages principal
12. Temporarily assigned spousal support arrearages 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 arrearages principal
17. Conditionally assigned medical support arrearages principal
18. Conditionally assigned spousal support arrearages 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 arrearages principal
23. Unassigned pre-assistance medical support arrearages principal
24. Unassigned pre-assistance spousal support arrearages 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 arrearages principal
29. Unassigned during assistance medical support arrearages principal
30. Unassigned during assistance spousal support arrearages 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 arrearages principal
35. Never assigned medical support arrearages principal
36. Never assigned spousal support arrearages principal

Unreimbursed Assistance Pool (UAP)

Unreimbursed Assistance Pool means the total cumulative amount of public assistance paid to a family under the CalWORKs, Foster Care, or KinGAP programs which has not been repaid by the recoupment of child support collections for assigned current support or arrearages. The unreimbursed assistance pool is maintained for each case. It is maintained to provide the total of TANF/CalWORKs payments on which recoupment of arrearages can be based.

Excess

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

Assignment of Arrearages and Arrearage Types

“Assigned” means the transfer of the right to support payments by an individual to the State as a condition of receiving public assistance.

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

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 arrearages are also the arrearages in former assistance cases that accrued after the family's most recent period of assistance ends.
2. **Permanently Assigned** – Arrearages that accrue while a family or child is receiving public assistance
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 become conditionally assigned when public assistance discontinues
5. **Unassigned Pre-Assistance** – Arrearages that accrued before a family received public assistance (conditionally assigned arrearages) and exceed the total UAP
6. **Unassigned During Assistance** – Arrearages that accrued while the family received public assistance (permanently assigned arrearages) which exceed the total UAP

Never Assistance Cases

When a family has never received public assistance, the unpaid support that accrues is considered **never assigned arrearages**. The collections on the arrearages are disbursed to the family.

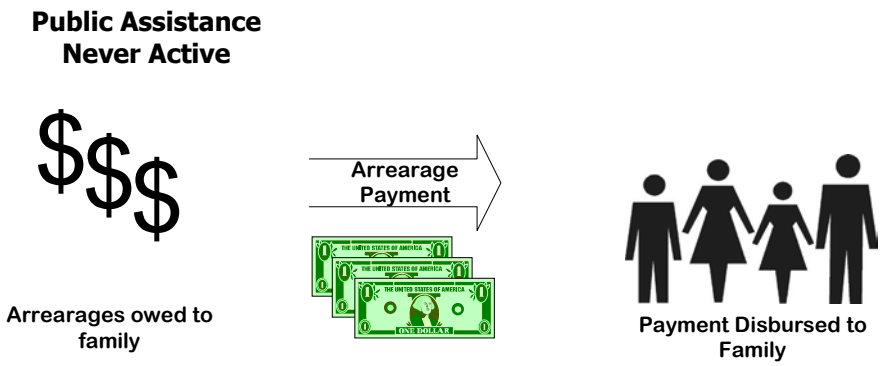

Figure 1: Never Assigned Arrearages Disbursement

Current Assistance Cases

When a family receives public assistance, the arrearages that are owed to the family prior to the period the family was on public assistance, **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.

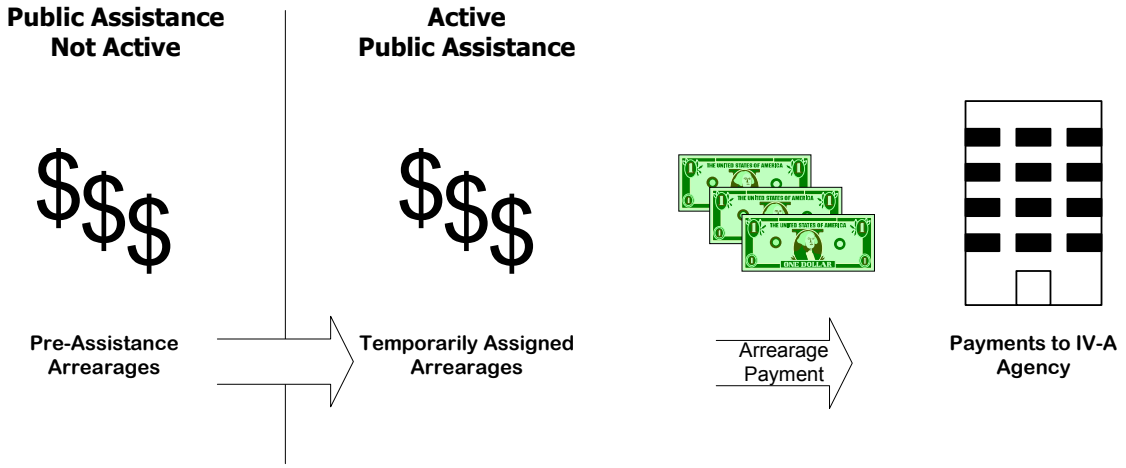

Figure 2: Temporarily Assigned Arrearages Disbursement

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 public assistance.

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 public assistance.

The arrearages that accrued before public assistance was active are **pre-assistance arrearages**. When the family is granted assistance, the **pre-assistance arrearages** become **temporarily assigned**. When the family stops receiving public assistance and becomes a

former assistance case the **temporarily assigned arrearages** become **conditionally assigned**.

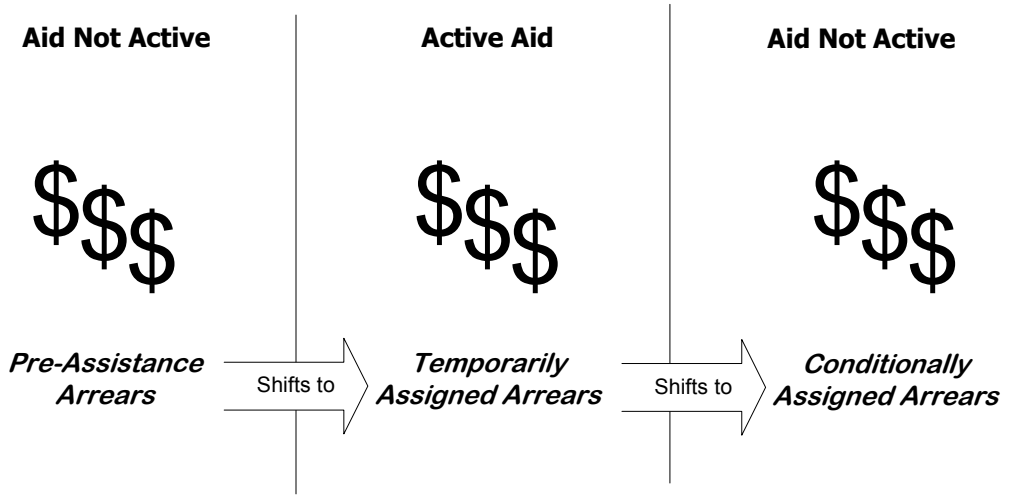

Figure 3: Conditionally Assigned Arrearages

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 county and applied against the **UAP**. All payments from other sources are disbursed to the family.

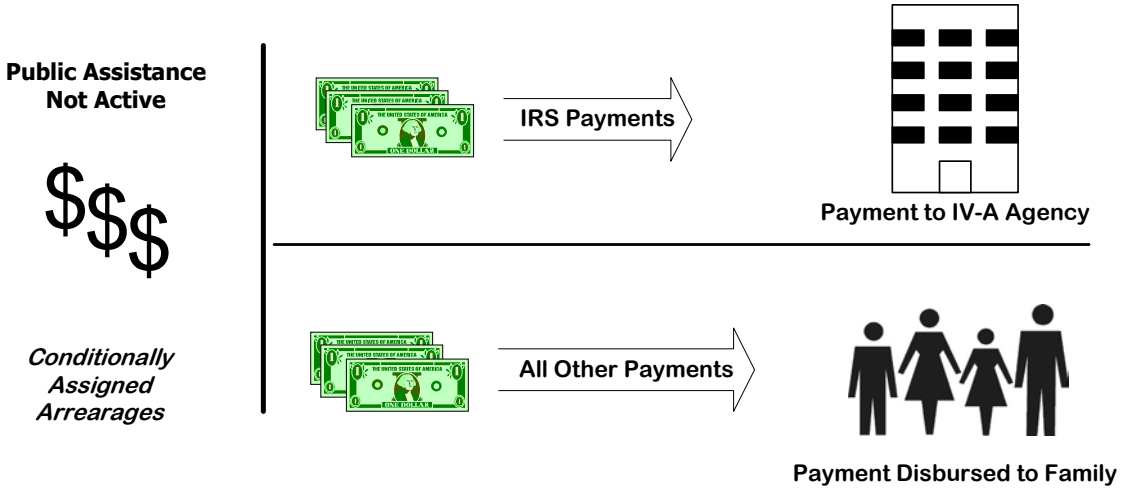

Figure 4: Conditionally Assigned Arrearages Distribution

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 public assistance, 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**.

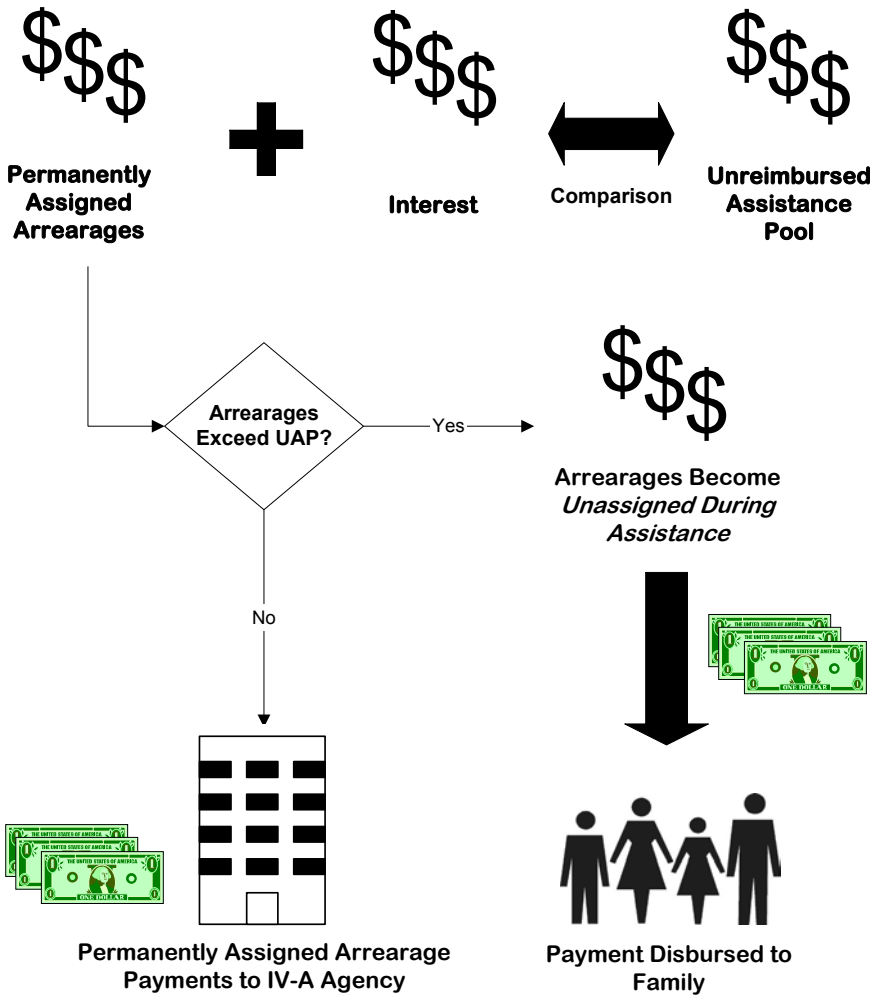

Figure 5: Calculating Unassigned During Assistance Arrearages

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.

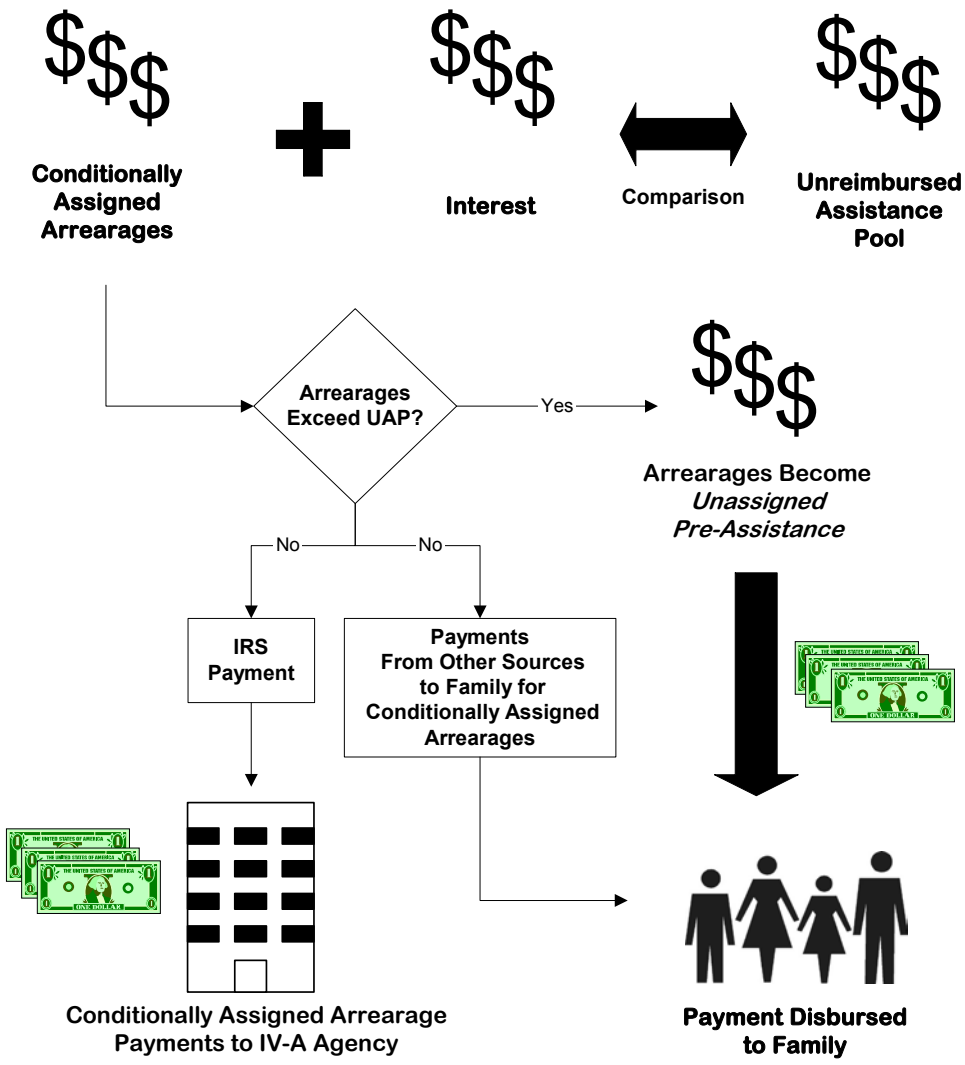

Figure 6: Calculating Unassigned Pre-Assistance Arrearages

Arrearage Types/UAP Calculation Guide

	Active Public Assistance (Current Assistance Case)	Off Public Assistance (Former Assistance Case)	Calculation	Active Public Assistance (Current Assistance Case)
Pre-Assistance Arrearages	*Temporarily Assigned*	*Conditionally Assigned*	(2) *Conditionally Assigned* + *Interest* − *UAP* = *Unassigned Pre-Assistance*	*Temporarily Assigned*
	Permanently Assigned	*Permanently Assigned*	(1) *Permanently Assigned* + *Interest* − *UAP* = *Unassigned During Assistance*	*Temporarily Assigned*

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 TANF/CalWORKs/KinGAP 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 as part of the Disbursement process. This timeframe is a federal performance standard. A disregard payment is issued on a separate warrant identified as a child support payment and not a public assistance payment. Each KinGAP case is entitled to a disregard 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, 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.

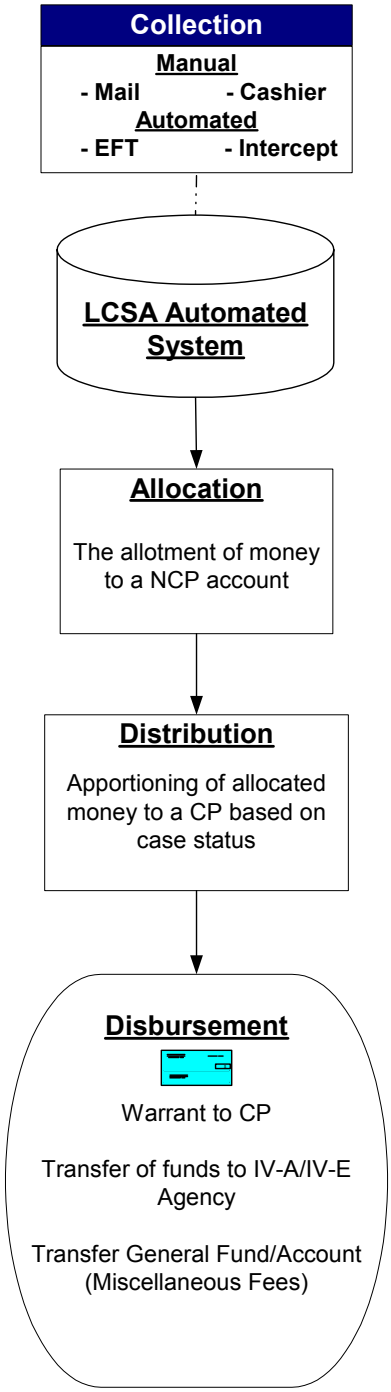

Figure 8: Payment Processing Flowchart

Chapter 11

Case Closure

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

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Federal and State Timeframes 175

Case Closure Process 177
Criteria For Closure 177
Notification Of Case Closure 177
Case Reopening 178
Record Retention 178
Recall Of Enforcement Actions 178

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. The recipient of services requests case closure
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 jurisdiction is uncooperative
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 177, 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 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 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 cases are closed, the LCSA shall recall establishment and enforcement activities as appropriate for each case. These activities may include, but are not limited to:

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

Chapter 12

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. The department 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.

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.

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.

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 “preventative 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

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 LCSAs first opportunity to make a favorable impression on the customer.

Follow these four basic rules when answering telephones:

- Greet the caller
- State your department
- Introduce yourself
- 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.

Note

Impressions can be formed by the number of rings it takes to get an answer, and the first voice heard.

Telephone Tips

- 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 the communication process.
- Make sure your mouth is empty when answering the phone. Eat, drink, or chew gum only after you've completed your call.
- Know and follow your LCSA's standards for answering the phone.

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 always correct
- Addressing a female may be more challenging. Miss or Mrs. is common and generally accepted, if you know the person's marital status. Some women may prefer to be called Ms. If you are uncertain, ask the caller what she prefers.
- Using the first name is acceptable if the caller suggests it
- Addressing the caller by first name may also be acceptable (but not always) when you have established rapport over a period of time, or the customer addresses you by your first name

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.”

Note

When ending a phone call, if possible, allow the customer to hang up first, if he or she called you.

Practice Effective Listening

Effective listening is critical to providing quality customer service. Try to avoid:

- 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

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?”

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
- 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 this 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 in writing, if this is the practice of your LCSA
- 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.

Recognizing and responding effectively to different communication styles helps you provide superior service.

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.

H **Hear, listen to the customer**

E **Empathize**

A **Ask questions**

T **Take responsibility for finding a solution**

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 they 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.

Chapter 13

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Statutes

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Part 5 - Interstate Compact on Placement of Children (Family Code 7900-7912)

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N/A

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N/A

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