

**California Department of Child Support Services**  
**R-2016-04**  
**Intergovernmental Regulations Amendment**  
**INITIAL STATEMENT OF REASONS**

The proposed rulemaking actions described in the Initial Statement of Reasons affect Title 22 Social Security, Division 13 California Department of Child Support Services of the California Code of Regulations (CCR) and the Manual of Policies and Procedures (MPP).

**Subject Matter**

Intergovernmental Cases

**Sections Affected**

Adopt sections 110146, 110198, 110860, 117000, and 117700; Amend sections 110132, 110192, 110196, 110268, 110296, 110307, 110430, 110446, 110450, 110466, 110518, 110590, 110594, 110654, 110710, 110794, 113100, 115510, 116100, 117200, 117300, 117301, 117302, 117303, 117400, 117401, 117402, 117405, 117500, 117501, 117503, 117600 and 118203; Repeal sections 110375, 110422, 110474, 110478, 110730, 110734, 110758, 110762, 110858, 117403, 117404, 117406, 117407, 117502, and 117504, of Division 13, of Title 22 of the California Code of Regulations.

Amend sections 12-101 and 12-701 from the Manual of Policies and Procedures.

**Governing Statutes**

Assembly Bill (AB) 196, (Chapter 478, Statutes of 1999), and Senate Bill (SB) 542, (Chapter 480, Statutes of 1999), created the California Department of Child Support Services (Department) within the California Health and Human Services Agency to administer all services and perform all functions necessary to establish, collect and distribute child support in the State of California. This legislation designates the Department as the single state organizational unit that has the duty to administer the Title IV-D state plan for securing child and spousal support, medical support, and establishing legal parentage. Family Code (FC) section 17310, authorizes the Department Director to formulate, adopt, amend, or repeal regulations regarding child support. FC section 17312 further authorizes the Director to adopt regulations to implement, interpret, or make specific the law enforced by the Department.

## **Department's Mission and Goals of Proposed Rulemaking**

The Department's mission is to promote parental responsibility to enhance the well-being of children by providing child support services to establish parentage and collect child support. The Department is therefore responsible for working with families to ensure ordered financial and medical support are received. The Department seeks to enhance the well-being of children and the self-sufficiency of families by providing professional services to locate parents, establish legal parentage and establish and enforce orders for financial and medical support. With this mission in mind, the Department has set to accomplish three goals in this rulemaking action.

The actions proposed in this statement will accomplish three goals.

1. Adopt technical, clarifying, and conforming changes necessary to implement UIFSA 2008 and SB 646 (Jackson, Chapter 493, Statutes of 2015).
2. Provide guidance for the registration, recognition, enforcement, and modification of intergovernmental support orders by eliminating erroneous and duplicative regulations, repealing obsolete content, migrating content from Child Support Services letters into the CCR, and adopting regulations.
3. Adopt terminology that promotes inclusivity and reflects current terminology used in child support communities.

## **Historical Background on the Enforcement of Intergovernmental Cases**

This provided historical context gives background knowledge to fully understand the problems and proposed amendments, repeals, and adoptions to the CCR and the MPP described later in this Initial Statement of Reasons for this rulemaking action.

Prior to 1950, a non-custodial parent could move out of the state that issued a child support order and the order could not be enforced in another state. Between 1950 and 1992, the federal government attempted to solve the problem of enforcing a child support order across state borders through various acts, such as the Uniform Reciprocal Enforcement Support Act (URESA) of 1950, and the Revised Uniform Reciprocal Enforcement Support Act (RURESAs) of 1968. In 1992 the United States federal government established the Uniform Interstate Family Support Act (UIFSA) to impose basic principles of support enforcement

and required each state to adopt the uniform system. A problem with UIFSA 1992 was that states were not mandated to enact it, so three intergovernmental enforcement acts were in effect at the same time amongst the states.

To resolve the problem of three intergovernmental acts being in effect at the same time, Congress enacted the Full Faith and Credit for Child Support Orders Act (FFCCSOA) (Pub. Law 103-383), codified at title 28 United States Code Section 1738B. FFCCSOA requires child support agencies to enforce child support orders made by other tribunals and prohibits tribunals from modifying other tribunals' child support orders unless certain jurisdictional requirements are met. FFCCSOA imposed basic UIFSA principles on all states and overruled contradicting state law.

In 1996, the United States government also mandated that all states enact UIFSA by January 1, 1998. UIFSA 1996 would now exist side by side with FFCCSOA and replace all previous intergovernmental support acts. UIFSA and FFCCSOA achieve a "one-order" system in intergovernmental child support enforcement.

With the creation of the Department in 1999, between 2001 and 2002, the Department adopted its existing intergovernmental regulations based on UIFSA 1996, which was codified in FC sections 4900-5005. Regulations for intergovernmental cases are found under chapter 7, division 13, of title 22 of the California Code of Regulations (CCR).

After the Department adopted its regulations in 2002, various events occurred that further changed intergovernmental child support. The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance of 2007 (Convention) occurred in 2007. The Convention is a global child support treaty ratified by the United States on August 31, 2016. The Convention addressed foreign support orders, which were previously not considered under UIFSA 1996. In addition, the Convention stipulated a legal framework, administrative procedures, standardized procedures, and timeframes that allow for timely support to families. The effective date for the Convention in the United States was January 1, 2017.

UIFSA was further amended, and the current adaption became known as UIFSA 2008. UIFSA 2008 governs intergovernmental establishment, modification, and enforcement of support obligations. UIFSA 2008 covers all cases where parents reside in different jurisdictions. In addition to traditional intergovernmental legal actions, it provides for long arm jurisdiction by a state to establish a child support

order, and one-state enforcement remedies such as direct income withholding. It prohibits the entry of a new support order where a valid order exists, ending the longstanding practice of establishing multiple support orders, and strictly prescribes when a state has the authority to modify the child support order of another tribunal. UIFSA 2008 also provides guidance for implementing The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance of 2007 (Convention) regarding foreign support orders.

In 2010 the federal government accordingly amended its regulations on intergovernmental child support enforcement. This was called Final Rule 2010 (75 Fed. Reg. 38612 (Jul 2, 2010)) and it became effective on January 3, 2011. Final Rule 2010 revised federal requirements under UIFSA for establishing and enforcing child support obligations receiving services under Title IV-D of the Social Security Act. It correspondingly introduced the term intergovernmental to child support, newly required the responding state to pay for genetic testing, and clarified the state responsible for determining a controlling order.

During the 2013-14 Congressional session, the federal Preventing Sex Trafficking and Strengthening Families Act (Pub. Law 113-183) amended section 466(f) of the Social Security Act, and mandated that each state adopt UIFSA 2008, verbatim, by the end of the state's 2015 legislative session as a condition of continued federal child support program funding. SB 646 (Jackson, Chapter 493, Statutes of 2015) adopted UIFSA 2008 in California. It also repealed previously codified versions of UIFSA, located in FC sections 4900-5005, and codified UIFSA 2008 provisions in FC sections 5700.102-5700.905.

### **Problems Intended to Address**

Existing regulations do not address revisions to intergovernmental child support enforcement that occurred with UIFSA 2008 and other events that followed. Current regulations are based on UIFSA 1996 provisions [since repealed by SB 646, (Jackson, Chapter 493, Statutes of 2015)]. Updates are required to reference new UIFSA 2008 provisions, which are located in different FC sections for consistency, and to eliminate duplicative language which is already present in state statute and federal regulations. Additionally, UIFSA 1996 focused solely on interstate child support cases, whereas UIFSA 2008 provides the framework for the exchange of cases between parties to the Convention and other types of international child support cases. Amendments to existing regulations and the

adoption of new regulations are needed to reflect this new framework for the exchange of cases.

Another problem to address is updating terminology in existing regulations to create consistency with evolving federal regulations and state statutes and reflect today's inclusivity. Federal Final Rule 2010 began to use the new term "intergovernmental" instead of "interstate". Intergovernmental reflects the relationships between other U.S. states and territories, Native American Tribes, and foreign countries for which UIFSA 2008 provides the framework. Interstate did not reflect all jurisdictions, such as Native American Tribes or foreign countries. The shift towards the use of "intergovernmental" instead of "interstate" where applicable will reflect all types of jurisdictions and begin to create consistency between the CCR, state statutes and federal regulations.

Where gender specific terminology is not required, updating terminology to be gender-neutral will further reflect inclusivity. In the past, laws governing parentage and child support were written in terms of specific genders, and under the assumption that couples consisted of a man and a woman. Changes in law, such as the June 26, 2015, Supreme Court decision that all states must license and recognize same-sex marriage (*Obergefell v. Hodges* (2015) 135 S. Ct. 2584) have led to a shift toward more inclusivity in meeting children's support needs. AB 2684 (Bloom, Chapter 876, Statutes of 2018) made important changes to the FC by removing genders, where possible, and modified procedures for establishing paternity to a more inclusive process of establishing parentage, among other provisions related to parent-child relationships. The California Gender Recognition Act, Senate Bill 179 (Atkins and Wiener, Chapter 853, Statutes of 2017), recognizes a non-binary gender, and calls for pronouns associated to gender identity are to be replaced with gender-neutral pronouns.

The Department is proposing this rulemaking action to help ensure and continue its mission to promote parental responsibility to enhance the well-being of children by providing child support services to establish parentage and collect child support when families reside in different jurisdictions.

### **Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary**

The purpose of amending the regulations and the Manual of Policies and Procedures is to enhance brevity, repeal regulations which repeat federal regulations or state statute or are obsolete, and to conform to changes in

federal regulations or state statutes to maintain consistency. To aid in navigation and understanding of intergovernmental case processing while eliminating repeated regulation text, certain regulations are amended, and content is relocated in the proposed regulations. Adopted regulations are added to provide clarity and highlight changes in federal regulations and state statutes.

Proposed regulations will improve interstate, tribal, and international child support enforcement, as well as California's child support collections. The amended regulations interpret, implement, and make specific Title 45 Code of Federal Regulations (CFR) sections 301.1 and 303.7, and FC sections 5700.101-5700.905.

The proposal is as follows:

**Amendments, Adoptions, and Repeals to Article 1. Definitions, Subchapter 1, Chapter 1, Division 13, of Title 22:**

**Amend Section 110132. Central Registry.**

Specific Purpose:

The term "interstate" is replaced with "intergovernmental" to clarify changes in UIFSA 2008 and include expanded international provisions.

The FC reference is also updated from FC section 4924 to FC section 5700.310.

Factual Basis:

The updated term is necessary for consistency throughout regulations and statutes since interstate is limited to cases within the United States while intergovernmental cases encompass all child support cases both interstate and internationally.

In addition, SB 646 (Jackson, Chapter 493, Statutes of 2015), repealed UIFSA 1996 from FC sections 4900-5005 and codified UIFSA 2008 in FC sections 5700.101-5700.905.

**Adopt Section 110146. Comity.**

Specific Purpose:

This section is proposed to adopt a definition of "comity."

Factual Basis:

The Department is proposing to adopt 22 CCR section 110146 to define a term used in Chapter 7. All definitions relating to child support regulations are located in article 1, subchapter 1, chapter 1, of division 13 as a central location for definitions. Terms defined here are consistent with terms used throughout Chapter 7 and other articles included in this rulemaking file and are consistent with those used within the intergovernmental and child support communities.

This section is necessary for consistency and uniformity with the use of “comity” in FC sections 5700.104(a) and 5700.105(b), as it is not defined in FC or federal regulations.

### **Amend Section 110192. Continuing, Exclusive Jurisdiction.**

#### Specific Purpose:

This regulation is amended to reflect changes in UIFSA 2008 evidentiary procedures for intergovernmental cases.

The FC reference is also amended from FC section 4909 to FC section 5700.205.

#### Factual Basis:

UIFSA 2008 provisions allow parties to express consent in a “record”, as defined in FC section 5700.102(20), or in open court. Because of this technical change, references to written consent, including the filing of such consent, have been repealed from the regulations.

In addition, SB 646 (Jackson, Chapter 493, Statutes of 2015) repealed UIFSA 1996 from FC sections 4900-5005 and codified UIFSA 2008 in FC sections 5700.101-5700.905.

### **Amend Section 110196. Controlling Order.**

#### Specific Purpose:

This section is being amended to remove “and other terms”.

The FC reference is also proposed to be amended from FC section 4911 to FC section 5700.207.

#### Factual Basis:

The Determination of Controlling Order (DCO) decides which of the valid orders controls the child support amount and duration when multiple orders have been issued. In a true DCO, only the support amount and duration are determined to be controlling. Any other terms of a child support obligation that go beyond basic support, such as extracurricular expenses or college funds, remain valid, but they are not considered to be controlling. This proposed repeal improves the clarity of what terms are considered during a DCO.

SB 646 (Jackson, Chapter 493, Statutes of 2015) repealed UIFSA 1996 from FC sections 4900-5005 and codified UIFSA 2008 in FC sections 5700.101-5700.905.

### **Adopt Section 110198. Convention.**

#### Specific Purpose:

This section is proposed for adoption to provide a definition for “Convention.”

#### Factual Basis:

The Department is proposing to adopt section 110198 to define terms used in Chapter 7. This section is necessary for consistency with the use of “Convention” in FC sections 5700.101-5700.905. While “Convention” is defined in FC section 5700.102(3), the proposed regulation 22 CCR section 110198 specifies the effective date of the Convention within the United States. This is necessary to identify international cases with child support orders in effect prior to the effective date of the Convention on January 1, 2017, are not subject to the provisions of Convention cases. Those international cases issued before January 1, 2017, are subject to other provisions.

### **Amend Section 110268. Direct Income Withholding.**

#### Specific Purpose:

The word “order” is proposed to be adopted after the word “withholding”.

The FC reference is proposed to be amended from FC section 4940 to FC section 5700.501.

#### Factual Basis:

The existing definition of “direct income withholding” specifies this as a type of income withholding order, but it failed to include the identifying term “order” on the end of the term definition. Confusion occurs on whether “direct income

withholding” is the same thing as a “direct income withholding order” as other regulations use the term “direct income withholding order”. The Department is proposing to add “order” to the end of the term to clarify this as a specific type of income withholding order used in interstate child support cases. It also creates consistency with the same child support terminology being used throughout the regulations.

In addition, SB 646 (Jackson, Chapter 493, Statutes of 2015) repealed UIFSA 1996 from FC sections 4900-5005 and codified UIFSA 2008 in FC sections 5700.101-5700.905.

### **Amend Section 110296. Earnings.**

#### Specific Purpose:

The FC reference is proposed to be amended from FC section 4901(e) to FC section 5700.102(9).

#### Factual Basis:

SB 646 (Jackson, Chapter 493, Statutes of 2015) repealed UIFSA 1996 from FC sections 4900-5005 and codified UIFSA 2008 in FC sections 5700.101-5700.905.

### **Amend Section 110307. Emancipation.**

#### Specific Purpose:

The Department is proposing to amend “issuing state” to “issuing tribunal” in subsection (c).

Reference citations in the authority and reference notes are proposed to be amended to repeal FC sections 17306, 17310 and 17312.

#### Factual Basis:

When the definition for the term “emancipation” was adopted, subsection (c) only included states and excluded foreign countries. Now that foreign countries are included with UIFSA 2008, an amendment is required to this subsection to include foreign countries. “Issuing tribunal” was selected because FC section 5700.102(14) defines “issuing tribunal” as either a tribunal of a state or foreign country that issues the child support order or judgment determining parentage of a child.

FC sections 17306, 17310 and 17312 are the authority citations for the Department. These FC sections do not contain any specific references that apply to the use of the term “emancipation” in this regulation. For clarity and brevity these reference citations are proposed to be repealed from the reference notes.

### **Repeal Section 110375. Foreign Order.**

#### Specific Purpose:

The Department proposes to repeal this section because it repeats FC section 5700.102(6).

#### Factual Basis:

FC section 5700.102(6) defines the phrase “foreign support order” in terminology similar to that found in the current regulation text for “foreign order”. The term “foreign” can be used in various contexts. It typically means orders issued outside the state of California and can include a different state, country, or sovereign nation.

Where the term “foreign order” or other variations currently exists in the CCR, the Department proposes those occurrences be amended with other clarifying terms, such as “support order”, in this rulemaking action. These proposed changes in other CCR sections are to avoid confusion over the context of “foreign”. The proposed repeal of “foreign order” from the CCR also assists with brevity and non-duplication in Division 13 regulations, as infrequently used terms are defined by higher authorities, such as FC.

### **Repeal Section 110422. Home State.**

#### Specific Purpose:

The Department proposes to repeal this section because it repeats FC section 5700.102(8) and the occurrences of “home state” in other existing CCR sections are proposed to be repealed by the Department.

#### Factual Basis:

FC section 5700.102(8) defines the phrase “home state” in terminology substantially similar to that found in the current regulation text. FC section 5700.102(6) also broadens “home state” to include a foreign country, which is

excluded in the CCR definition for “home state”. Since “home state” in FC section 5700.102(6) goes beyond what is currently stated in section 110422, for reasons on nonduplication “home state” is proposed for repeal from the CCR.

This repeal also assists with brevity in the regulations, as other CCR sections where the term “home state” is used are proposed to be repealed. A CCR definition for “home state” is then no longer necessary since the term will no longer be found in other CCR sections.

### **Amend Section 110430. Income Withholding Order.**

#### Specific Purpose:

The “‘Order/Notice to Withhold Income for Child Support,’ FL-195 OMB Control No. 8 as adopted by the California Judicial Council” is proposed to be repealed and amended to “‘Income Withholding for Support’, OMB NO.: 0970-0154.”

The FC reference is amended from FC section 4901(f) to FC section 5700.102(10).

#### Factual Basis:

The federal form cited in this 22 CCR section is a mandated form used in accordance with USC 42 §666(b)(6)(A)(ii.), and must be issued to employers or other income payers to collect child support in tribal, intrastate, and interstate cases. Federal Form OMB NO.: 0970-0154 has been updated and is now called “Income Withholding for Support”. The FL-195, also called “Income Withholding for Support”, is the state version of this federal form. Since this form may be sent to employers or other income payers outside of California, the Department proposes to cite in regulation the federal form since it is familiar to Native American Tribes, and U.S. states and territories.

SB 646 (Jackson, Chapter 493, Statutes of 2015) repealed UIFSA 1996 from FC sections 4900-5005 and codified UIFSA 2008 in FC sections 5700.101-5700.905.

### **Amend Section 110446. Initiating State.**

#### Specific Purpose:

“Foreign country” is proposed to be adopted to the definition.

The FC reference is amended from FC section 4901 to FC section 5700.102(11).

#### Factual Basis:

UIFSA 1996 defined the term “initiating state” and it still appears throughout federal and state intergovernmental regulations, statutes, and policies today. “Initiating State” is typically used as identification for which state or foreign country has continuing, exclusive jurisdiction in cases that involve two jurisdictions. UIFSA 2008 no longer defines “initiating state” despite its continued use in child support. Since the term by itself is no longer defined in FC, the Department is then proposing a regulation to clarify and make specific FC section 5700.102(11), “initiating tribunal” for “initiating state”. “Initiating tribunal” is written in terminology similar to existing 22 CCR section 110446 “initiating state”. Since FC section 5700.102(11) includes foreign countries and UIFSA 2008 provision were expanded to include foreign countries, “foreign country” is added to 22 CCR section 110446 for consistency throughout the regulations.

### **Amend Section 110450. Initiating Tribunal.**

#### Specific Purpose:

The term “paternity” is proposed to be amended with “parentage” for consistency in the regulations.

The FC reference is proposed for amendment from FC section 4901 to FC section 5700.102(11).

#### Factual Basis:

Various state laws and the Uniformed Parentage Act (UPA) have led towards a shift in becoming more inclusive towards contemporary families. AB 2684 (Bloom, Chapter 876, Statutes of 2018) made important changes to the UPA, codified in FC section 7600 et seq., by modifying the procedures for establishing “paternity” to a more inclusive process of establishing “parentage”. One of AB 2684’s (Bloom, Chapter 876, Statutes of 2018) stated purposes was to provide equal treatment to children born to same-sex couples by updating terms, presumptions, and statutory provisions to ensure that parents and children are treated the same, regardless of whether the children are born to same-sex or opposite-sex couples. Updating “paternity” to “parentage”, where applicable, is necessary for consistency throughout the Department’s regulations and alignment with state statutes since the definition of “paternity” is limited to biological parents while “parentage” includes married and unmarried persons, regardless of gender, who conceive through assisted reproduction.

In addition, SB 646 (Jackson, Chapter 493, Statutes of 2015) repealed UIFSA 1996 from FC sections 4900-5005 and codified UIFSA 2008 in FC sections 5700.101-5700.905.

### **Amend Section 110466. Interstate Case.**

#### Specific Purpose:

The CFR reference is amended from Title 45 Code of Federal Regulations section 303.7 to 301.1.

The reference citation to FC section 17306 is proposed to be repealed.

#### Factual Basis:

45 CFR 303.7 does not currently contain a reference to the meaning of “interstate case”. The new reference citation for “interstate case” is 45 CFR 301.1. The current codified version of UIFSA in FC no longer contains a definition for “interstate case” as UIFSA 2008 removed the term, so a federal citation is necessary.

FC section 17306 is an authority citation for the Department, and it does not address interstate cases. Since there is no direct connection to interstate cases in this FC statute, it is proposed to be repealed from the reference citations for reasons of clarity.

### **Repeal Section 110474. Issuing State.**

#### Specific Purpose:

The Department proposes to repeal this section because it repeats FC section 5700.102(13), “issuing state”.

#### Factual Basis:

FC section 5700.102(13) defines the term “issuing state” in terminology substantially similar to that found in the current regulation text. “Issuing state” is also a term that is becoming less used in child support since it excludes foreign countries. For reasons of non-duplication and brevity in the regulations, the term is proposed to be repealed.

### **Repeal Section 110478. Issuing Tribunal.**

#### Specific Purpose:

The Department proposes to repeal this section because it repeats FC section 5700.102(14), “issuing tribunal”.

Factual Basis:

For reasons of non-duplication and brevity in the regulations, the term is proposed to be repealed. FC section 5700.102(14) defines the term “issuing tribunal” in terminology substantially similar to that found in the current regulation text. While FC 5700.102(14) does not specifically mention that “issuing tribunal” includes an administrative agency or quasi-judicial entity in its definition, the definition for “tribunal” from FC 5700.102(29) does state a tribunal is a court, administrative agency or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child.

**Amend Section 110518. Long Arm Jurisdiction.**

Specific Purpose:

The FC reference citation is proposed to be amended from FC section 4905 to FC section 5700.201.

Factual Basis:

SB 646 (Jackson, Chapter 493, Statutes of 2015) repealed UIFSA 1996 from FC sections 4900-5005 and codified UIFSA 2008 in FC sections 5700.101-5700.905.

**Amend Section 110590. Obligee.**

Specific Purpose:

Interchangeable terms “payee” and “creditor” are added to the definition.

FC reference citations are proposed for adoption citing FC sections 3550, 3900, 5214, and 5700.102(16).

FC reference citations to FC sections 17306, 17310 and 17312 are proposed to be repealed.

Factual Basis:

Child support policies and statutes use the terms “obligee”, “payee”, and “creditor” interchangeably. Because the Convention itself uses the term “creditor” instead of “obligee”, a regulation clarifying these interchangeable terms is needed. “Payee” has not been defined in the CCR, state statutes or

federal regulations. For the reasons of necessity and consistency, “payee” is included with the definition for “obligee” to avoid confusion when the terms are used interchangeably in child support policies and statutes.

FC sections 3550 and 5214 are added since they provide an additional reference to the meaning of the term “obligee”. FC section 3900 is added to reference the meaning of “duty of support”. FC section 3900, titled “Duty of parents”, provides an equal duty for both parents to support their child(ren) in the manner suitable to their child(ren)’s circumstances. This is commonly known as a “duty to support”. Under this interpretation of FC section 3900, an obligee is also required to support their child(ren); it is not just the obligor’s responsibility. The inclusion of these FC sections also creates consistency with the reference citations for the term “obligor”.

FC sections 17306, 17310 and 17312 are the authority citations for the Department. These FC sections do not contain any specific references that apply to the use of the term “obligee”.

In addition, SB 646 (Jackson, Chapter 493, Statutes of 2015) repealed UIFSA 1996 from FC sections 4900-5005 and codified UIFSA 2008 in FC sections 5700.101-5700.905.

### **Amend Section 110594. Obligor.**

#### Specific Purpose:

Interchangeable terms “payor” and “debtor” are proposed to be adopted to the definition.

Proposal to amend the phrase “owes a duty of support” to “liable under a support order” for clarity.

FC sections 5700.102(17), 3550 and 3900 are proposed for adoption in this CCR’s reference citation section.

#### Factual Basis:

Child support policies and statutes use the terms “obligor”, “payor”, and “debtor” interchangeably. Because the Convention itself uses the term “debtor” instead of “obligor”, a regulation clarifying the term is necessary to explain. “Payor” has not been defined in the CCR, state statutes or federal regulations. For the reasons of necessity and consistency, “payor” is added to the definition

for “obligor” to avoid confusion when the terms are used interchangeably in child support policies and statutes.

FC section 3900, titled “Duty of parents”, provides an equal duty for both parents to support their child(ren) in the manner suitable to their child(ren)’s circumstances. This is commonly known as a “duty to support”. It can be confusing to define the obligor as the only person with a duty to support their child(ren), as the obligee has this responsibility too. Amending the obligor definition to “liable under a support order”, rather than “owes a duty of support”, clarifies the obligor is legally obligated by a support order. It is a more accurate definition as seen in FC section 5700.102(17).

In addition, SB 646 (Jackson, Chapter 493, Statutes of 2015) repealed UIFSA 1996 from FC sections 4900-5005 and codified UIFSA 2008 in FC sections 5700.101-5700.905. FC section 3550 is inserted since it provides an additional reference to the meaning of the term “obligor”. FC section 3900 is inserted to reference the meaning of “duty of support”.

#### **Amend Section 110654. Personal Jurisdiction.**

##### Specific Purpose:

The FC reference is proposed to be amended from FC section 4905 to FC section 5700.201.

##### Factual Basis:

SB 646 (Jackson, Chapter 493, Statutes of 2015) repealed UIFSA 1996 from FC sections 4900-5005 and codified UIFSA 2008 in FC sections 5700.101-5700.905.

#### **Amend Section 110710. Register.**

##### Specific Purpose:

The terminology “commence the process by which the” and “obtains” are proposed for insertion to make minor editorial and grammatical changes for clarity.

“In a state” is proposed to be repealed.

The FC reference is proposed to be amended from FC section 4950 to FC section 5700.601.

Factual Basis:

Adding the terminology “commence the process by which the” and “obtains” helps clarify that before any modifications to or the enforcement of a support order or judgment can occur, the support order or judgment must be registered with a tribunal. FC sections 5700.501 through 5700.507 authorizes administrative enforcement prior to registration. This is considered the first step for a jurisdiction to obtain authority to modify or judicially enforce a support order or judgment.

“In a state” is proposed to be repealed since a tribunal is not limited to a state only. A tribunal now includes foreign countries or Native American nations or tribes.

In addition, SB 646 (Jackson, Chapter 493, Statutes of 2015) repealed UIFSA 1996 from FC sections 4900-5005 and codified UIFSA 2008 in FC sections 5700.101-5700.905.

**Repeal Section 110730. Responding State.**

Specific Purpose:

The Department proposes to repeal this section because it repeats FC section 5700.102(23).

Factual Basis:

FC section 5700.102(23) defines the phrase “responding state” in terminology substantially similar to that found in the current regulation text. A regulation is not necessary since it does not make specific or clarify existing federal regulations or state statutes. Its repeal also creates brevity in the regulations.

**Repeal Section 110734. Responding Tribunal.**

Specific Purpose:

The Department proposes to repeal this section because it repeats FC section 5700.102(24).

Factual Basis:

FC section 5700.102(24) defines the phrase “responding tribunal” in terminology substantially similar to that found in the current regulation text. Outside of this definition, the term is not used in the CCR. A regulation is not necessary since it

does not make specific or clarify existing federal regulations or state statutes. It also creates brevity and non-duplication by repealing infrequently used child support terms.

### **Repeal Section 110758. Spousal Support Order.**

#### Specific Purpose:

The Department proposes to repeal this section because it repeats FC section 5700.102(25).

#### Factual Basis:

FC section 5700.102(25) defines the phrase “spousal-support order” in terminology substantially similar to that found in the current regulation text. A regulation is not necessary since it does not make specific or clarify existing federal regulations or state statutes. For reasons of non-duplication and brevity it is proposed to be repealed.

### **Repeal Section 110762. State.**

#### Specific Purpose:

The Department proposes to repeal this section because it repeats FC section 5700.102(26).

#### Factual Basis:

FC section 5700.102(26) defines the phrase “state” in terminology substantially similar to that found in the current regulation text. FC section 5700.102(5), “foreign country”, exceeds the current description of an included “foreign jurisdiction” contained in existing 22 CCR section 110762(b). A regulation is not necessary since it does not make specific or clarify existing federal regulations or state statutes. A repeal of “state” is for reasons of non-duplication. It also creates brevity in the regulations with its repeal.

### **Section 110794. Subject Matter Jurisdiction.**

#### Specific Purpose:

The FC reference is amended from FC section 4905 to FC section 5700.201.

#### Factual Basis:

SB 646 (Jackson, Chapter 493, Statutes of 2015) repealed UIFSA 1996 from FC sections 4900-5005 and codified UIFSA 2008 in FC sections 5700.101-5700.905.

### **Repeal Section 110858. Tribunal.**

#### Specific Purpose:

The Department proposes to repeal this section because it repeats FC section 5700.102(29) and 45 CFR 301.1.

#### Factual Basis:

45 CFR 301.1 and FC section 5700.102(29) define “tribunal” in terminology substantially similar to that found in the current regulation text. A regulation is not necessary since it does not make specific or clarify existing federal regulations or state statutes. Its repeal avoids duplication and creates brevity in the regulations.

### **Adopt Section 110860. Uniform Interstate Family Support Act (UIFSA).**

#### Specific Purpose:

This section is proposed to adopt a definition for “Uniform Interstate Family Support Act (UIFSA)”.

#### Factual Basis:

The Department is proposing to adopt 22 CCR section 110860 to define terms used in Chapter 7. This section is necessary for consistency with the use of “UIFSA” in FC sections 5700.101-5700.905. While this term is also defined in 45 CFR 301.1, proposed 22 CCR section 110860 specifies the location of the codified Uniform Interstate Family Support Act within the California statute and clarifies the Uniform Interstate Family Support Act may be cited as UIFSA.

### **Amendments to Section 113100. Local Child Support Agency Responsibilities.**

#### Specific Purpose:

The Department proposes amendments to update the form names from “Locate Data Sheet, OMB No. 0970-0085” to “Child Support Enforcement Transmittal #3-Request for Assistance/Discovery” and “CPLS Form CR-60” to “Application for Non Title IV-D Locate Services, DCSS 0073 (Rev. 09/01/05)” in subsection (g).

Proposal to amend “paternity” to “parentage” in subsection (g)(1)(B).

Factual Basis:

Since 22 CCR section 113100 was adopted as a Certificate of Compliance in September 2002, the federal Office of Child Support Enforcement has renamed the “Locate Data Sheet, OMB No. 0970-0085” to “Child Support Enforcement Transmittal #3-Request for Assistance/Discovery”. The OMB number has remained the same. This federal form is utilized in intergovernmental cases when states are attempting to only locate a case participant in another state. The Department proposes to update this form name to align with the current name of the form for consistency.

“Application for Non Title IV-D Locate Services, DCSS 0073” (Rev. 09/01/05) is incorporated by reference as it would be cumbersome and impractical to publish the entirety of the standardized letter in the CCR. This standardized letter is sent out to an Authorized Requester when a request and/or inquiry regarding locate services has been received either by letter or phone. Authorized Requesters are an agent or attorney of any state who has the duty or authority to seek to recover any amounts owed as child and spousal support under Title IV-D, a court which has authority to issue an order or to serve as the initiating court in an action to seek an order against a party for the support and maintenance of a child, or any agent of such court; a party, attorney, or agent of a child who is not receiving public assistance; or a California agency administering a program under either Title IV-B Child and Family Services or Title IV-E Foster Care and Adoption Assistance. The format of the form was changed in 2005 to be a standard letter based on review of the regulations, CPLS Form CR-60, and conversations with LCSAs. The letter describes the specific information, as well as suggested general information, that would be helpful and/or necessary to provide locate services. The Authorized Requester can respond in an unspecified format when providing information. The LCSA would input the information received from the Authorized Requester on the CR-60 electronically. This 22 CCR section requires an update to reflect the adoption of this standardized letter.

Updating “paternity” to “parentage”, where applicable, is necessary for consistency throughout the Department’s regulations and alignment with state statutes since the definition of “paternity” is limited to biological parents while “parentage” includes multi-parent and assisted reproduction cases, as well as

same-sex couples and domestic partnerships. It also aligns with 45 CFR 302.35(d)(1), which uses the terminology “parentage”.

### **Amendments to Section 115510. Processing a Review for Adjustment of a Support Order - Request by a Party.**

#### Specific Purpose:

An in-text citation in subsection (d) is proposed to be amended from 22 CCR section 117403 to 117300.

The term “interstate” is proposed to be amended to “intergovernmental” to clarify changes in UIFSA 2008 and include expanded international provisions in subsection (d).

In the reference citations, the 22 CCR reference is proposed to be amended from 117403 to 117300.

#### Factual Basis:

The Department is proposing in this rulemaking action to repeal 22 CCR section 117403 as the content is proposed to be moved to 22 CCR section 117300. It is necessary to amend the in-text citation and reference citation to reflect this movement.

The updated term “intergovernmental” is necessary for consistency throughout regulations and statutes since “interstate” is limited to cases within the United States while “intergovernmental” cases encompass all child support cases both interstate and internationally.

### **Amendments to Section 116100. Preparing and Serving an Income Withholding Order -General Requirements and Timeframes.**

#### Specific Purpose:

The Department proposes to amend “foreign state order” to “support order” in 22 CCR subsection 116100(c)(1)(E).

#### Factual Basis:

“Foreign state order” refers to a support order issued outside of a state's borders. Using the term “foreign state order” creates confusion with the term “foreign support order”. Since UIFSA 2008 expanded to include international cases, the

term “foreign” can be used in various contexts. Confusion occurs on whether the regulations are referring to orders from just other states, just orders from foreign countries, or both other states and foreign countries. Since this CCR section now needs to include orders from foreign countries along with continued use of meaning orders from other states, the Department proposes to use the more general term “support order”. “Support order” includes both other states and foreign countries and avoids any confusion caused by using the word “foreign” in the term.

## **Amendment to Chapter 7. Interstate Cases, Division 13, of Title 22:**

### **Chapter 7. Interstate Cases**

#### Specific Purpose:

Chapter 7 is proposed to be entitled Intergovernmental Cases.

#### Factual Basis:

The Department is proposing to amend the chapter heading to better reflect the contents of this chapter. The renaming of Chapter 7 further assists with organizational purposes since all intergovernmental regulations are contained within this chapter. This chapter includes Articles 1-7 pertaining to interstate and international cases, including Hague Convention cases. Intergovernmental encompasses all these cases. The name change also aligns to changes in federal Final Rule 2010 to use “intergovernmental” instead of “interstate” for consistency in the regulations.

### **Adopt Section 117000. Intergovernmental Definitions.**

#### Specific Purpose:

The Department proposes to adopt this CCR to inform readers that meanings and reference for child support terms used throughout Chapter 7 are defined in CCR Chapter 1, Article 1. Definitions, FC, or the CFR.

#### Factual Basis:

In this rulemaking action, the Department is proposing to repeal certain child support terms from the CCR, as FC sections 5700.102 and 5700.701 and 45 CFR 301.1 currently define these terms substantially similar to existing CCRs. Repealing terms from the CCR is part of an effort to create brevity in the Department's

regulations and rely on higher authorities for definitions. Repealing child support terms from the CCR then means it is necessary to inform a reader which specific FC or CFR sections they may search to locate the meanings of repealed child support terms. Repealed terms from the CCR are specific child support terms that are not defined by a usual meaning or dictionary meaning, as 22 CCR section 110000, Meaning of Words, would imply. An in-text citation to CCR chapter 1, article 1, first directs a reader to check that chapter and article to see if an unknown child support term is currently defined there. If the unknown term is not defined in 22 CCR, a reader could assume the usual or standard meaning of the term applies without direction to the specific FC or CFR sections. Providing direction to the appropriate higher authority for definitions creates clarity to the user and brevity of the regulations.

### **Amend Section 117200. General Requirements.**

#### Specific Purpose:

The section heading is proposed to be amended to adopt “for Long Arm Jurisdiction” after “General Requirements”.

“Subject to the discretion of the local child support agency” is proposed to be adopted to subsection (a).

“And” is proposed to be adopted in subsection (a).

The term “paternity” is proposed to be amended to “parentage” in subsections (a) and (b).

“Foreign country” is proposed to be adopted in subsection (a).

Proposal to adopt “Child support order” in subsection (b).

“Father” is proposed to be amended to “parent” in subsection (b).

“For any of the following factors” is proposed to be amended to “for any factors as defined in FC section 5700.201” in subsection (c).

Subsections (c)(1) through (c)(8) are proposed for repeal.

Subsection (d) is proposed for repeal.

The FC reference from the existing regulation is proposed to be amended from FC section 4905 to FC section 5700.201.

## Factual Basis:

The section heading is amended for clarity and ease of locating information in the CCR. 22 CCR section 116114 and article 5 in chapter 9 also have the headings "General Requirements". Inserting "for Long Arm Jurisdiction" at the end assists a reader to easily locate information on long arm jurisdiction when searching the CCR using section headings. It also avoids having 22 CCR sections with the same heading.

It is necessary to add "Subject to the discretion of the local child support agency" at the beginning of subsection (a). In certain scenarios it is not appropriate for the LCSAs to pursue long arm jurisdiction against an obligor to establish parentage and/or a child support order. This discretion may occur when a very long time has passed since an obligor has had a connection to California. This flexibility in deciding to pursue long arm jurisdiction allows the LCSAs to increase their efficiency and conform to modern business practices.

"And" is inserted to provide clarity that both conditions of establishing parentage and support along with California's ability to assert personal jurisdiction need to exist in a case for the LCSA to exercise long arm jurisdiction.

"Paternity" is amended to "parentage" since "paternity" references the biological father whereas "parentage" is the legal relationship of any parent to the child. This proposed amendment is to align with AB 2684 (Bloom, Chapter 876, Statutes of 2018) that made important changes to the UPA codified in FC section 7600 et seq. AB 2684 (Bloom, Chapter 876, Statutes of 2018) generally updated the term "paternity" to "parentage". This proposed amendment creates consistency throughout regulations and state statutes since the definition of "paternity" is limited to biological parents while "parentage" includes multi-parent and assisted reproduction cases, as well as same-sex couples and domestic partnerships.

"Foreign country" is inserted for consistency as UIFSA 2008 expanded to include international cases. There are cases where a party lives in a foreign country and California is able to utilize long arm jurisdiction in that foreign country.

Subsection (b) amends "paternity" to "parentage" for the reasons referenced in subsection (a). "Father" is also changed to "parent" for consistency with the UPA. This section also adds that a child support order may need to be

established. Parentage may already be established, leaving only a child support order to be established.

Subsection (c) removes “for any of the following factors” and instead states “for any factors as defined in FC section 5700.201”. This helps to eliminate repetitive language from the FC by an in-text citation and creates brevity in the regulations.

The Department proposes to delete existing subsections in 117200 (c)(1) through (c)(8) since they repeat existing FC section 5700.201 (a)(1)-(8). This repeal prevents duplication of state statutes.

The Department proposes to repeal existing subsection 117200(d) due to special exclusions in certain UIFSA cases. This subsection reiterates content contained in FC sections 5700.316 through 5700.318 on these special rules for UIFSA cases. Those special rules are regarding special evidentiary and discovery provisions. In these UIFSA cases only, judicial officers from one jurisdiction can talk to another jurisdiction and can compel someone to respond to discovery outside of this state.

In addition, SB 646 (Jackson, Chapter 493, Statutes of 2015) repealed UIFSA 1996 from FC sections 4900-5005 and codified UIFSA 2008 in FC sections 5700.101-5700.905.

### **Amend Section 117300. Continuing, Exclusive Jurisdiction to Modify a Support Order.**

#### Specific Purpose:

This section is being amended to reflect changes in terminology including the addition of international cases with UIFSA 2008 and changes in evidentiary procedures for intergovernmental cases.

Additional amendments are proposed to add exceptions to the general continuing, exclusive jurisdiction rule which maintains the state or foreign country that issues an order retains continuing, exclusive jurisdiction and is the only jurisdiction that can modify the order so long as the obligor, individual obligee, or the child reside in that state or foreign country.

Minor non-technical grammatical amendments were made for clarity in the subsections.

The FC references are amended from FC sections 4909, 4959, 4960, and 4962 to FC sections 5700.205, 5700.610, 5700.611, 5700.613 and 5700.615.

Factual Basis:

Subsection (a) includes new exceptions from subsections (f), (j), and (l) as to which jurisdiction can modify an order based on principles of continuing, exclusive jurisdiction. It also makes a clarifying technical change to specify that the state that issued the order shall retain continuing, exclusive jurisdiction with the insertion of “that issued the order” into the proposed regulatory text. This terminology insertion clarifies that if a state assumes continuing, exclusive jurisdiction, it will then issue the order. A non-technical grammatical error was also made to change the word “subsection” into its plural form.

No changes to subsections (b), (b)(1), or (b)(2).

Subsection (b)(3) makes changes to conform to new evidentiary procedures allowed by UIFSA 2008 provisions. The UIFSA 2008 provisions allow parties to express consent in a “record”, as defined in FC section 5700.102(20), or in open court. Because of this technical change, references to written consent, including the filing of such consent, are proposed to be repealed from the regulations. The addition of “or foreign country” after issuing tribunal is to create alignment with the FC section 5700.102(14) definition of “issuing tribunal”. “Issuing tribunal” includes foreign countries and that needs to be reflected here.

Subsections (c) and (d) add “or a foreign country” after the word “state” since the definition for “state” in FC section 5700.102(26) excludes foreign countries, and they are required to be included with the introduction of the Convention. The adoption of the terminology “to the extent practicable” in proposed subsection (d) is to allow flexibility for certain situations when the LCSA is not able to forward the request for modification to another jurisdiction despite its efforts to forward the request. This allows the LCSA to have efficient modern business practices and make determinations on the next steps in the case if it is unable to forward the request.

Subsection (e) removes “parent” and replaces the term with “party”. Various changes in state laws and the UPA have led to a shift toward more inclusivity in meeting children’s support needs. The Department uses the term “party” to promote inclusivity and recognize the fact that the person caring for a child may not be a parent to the child.

Subsection (f) proposes to repeal language pertaining to outdated terms, evidentiary procedures, or requirements. It also inserts language for clarity. This subsection clarifies California may assume continuing, exclusive jurisdiction and modify an order when California did not issue the order, as long as both parties consented in the issuing state's tribunal for California to have continuing, exclusive jurisdiction. "If the child or any individual party to an action resides in California, a" clarifies which party is subject to personal jurisdiction in this scenario. The amended language is clearer and makes changes to conform to new evidentiary procedures as described in subsection (b)(3) above. "Parents" is also replaced with "parties" as described in subsection (e) above. This scenario for the assumption of continuing, exclusive jurisdiction is outlined in UIFSA 2008 (with comments) section 205(b)(1) and FC section 5700.205(b)(1).

Subsection (g) proposes to add "foreign country". Prior to ratification and the effective date of the Convention, foreign countries were not bound by UIFSA, so the concept of exclusive continuing jurisdiction did not apply to them. Now with the ratification and post effective date of the Convention, LCSAs must now consider all states and Convention countries that may have continuing, exclusive jurisdiction in a case. The insertion of "foreign country" is to align with those considerations.

Subsection (h) makes non-substantive, grammatical changes. This is for clarity when reading the regulation and to correct a misspelling of the word California.

Subsection (i) proposes to add clarifying language of "appropriately" and "pursuant to UIFSA". "Appropriately" is necessary to ensure a case has gone through the legalities for enforcement and that a state is the one with continuing, exclusive jurisdiction. "Pursuant to UIFSA" is necessary to ensure states modified the order under UIFSA provisions because if the order was not modified consistent with UIFSA, California would lose prospective enforcement. Foreign countries are not included in this subsection as they are in subsection (g). If a foreign country modified a California order, without obtaining advance notification or following UIFSA's continuing, exclusive jurisdiction rules, California would not necessarily recognize the foreign country's modified order.

New subsection (j) outlines the new option for consent for California to retain continuing, exclusive jurisdiction when all parties do not reside in California as outlined in UIFSA 2008 (with comments) section 205(a)(2) and FC section 5700.205(a)(2). For various personal reasons, both parties may prefer California

to have continuing, exclusive jurisdiction since it was the state that issued the order. California retaining continuing, exclusive jurisdiction in this situation is accomplished by all parties expressing consent or in open court. UIFSA 2008 provisions allow parties to express consent in a record, as defined in FC section 5700.102(20), or in open court. This clarifies that the consent in a record or open court refers to a California court when the order issuing state is California.

New subsection (k) identifies California as being responsible for modification of an order to ensure parties are not left without a forum to modify their order due to the general modification rule for clarification. California would be responsible for modification of the order when there is a request from a party and one-party lives in another state while the other party lives in a foreign country. Adding in “and no other state has assumed continuing, exclusive jurisdiction” further clarifies the order being modified must be the operative order with no other intervening orders.

New subsection (l) outlines the new option for modification of foreign support orders as outlined in UIFSA 2008 (with comments) section 615 and FC section 5700.615. Situations may occur where one party lives in California and the other party lives in a foreign country and that foreign country is unable to or refuses to modify its support order. In this situation, either party may request California to modify the foreign order. This request grants California personal jurisdiction over the requesting party. Since California may bind any party with whom it has personal jurisdiction which does not require the party’s consent in this situation.

New subsection (m) has been relocated to this section from existing 22 CCR section 117403(c) for organizational purposes, to group similar regulatory content together and avoid having duplicate regulations elsewhere in the CCR. Changes were then made to allow an LCSA flexibility to determine whether to proceed with a pending motion to modify support after it has been served, even if a party leaves California. The point in time in which California has jurisdiction to modify an order is based on the date the action was filed; not some other date.

In addition, SB 646 (Jackson, Chapter 493, Statutes of 2015) repealed UIFSA 1996 from FC sections 4900-5005 and codified UIFSA 2008 in FC sections 5700.101-5700.905.

**Amend Section 117301. Duration of Support.**

Specific Purpose:

This section is proposed to be amended to include foreign countries.

The FC reference is proposed to be amended from FC section 4953 to FC section 5700.604.

Factual Basis:

The regulation adds "or a foreign country" after state in two places since the definition of state in FC section 5700.102(26) excludes foreign countries and they are required to be included with the introduction of the Convention.

In addition, SB 646 (Jackson, Chapter 493, Statutes of 2015) repealed UIFSA 1996 from FC sections 4900-5005 and codified UIFSA 2008 in FC sections 5700.101-5700.905.

**Amend Section 117302. Interest.**

Specific Purpose:

This section is being amended to clarify determination of controlling orders and interest when there are two or more conflicting orders with ongoing support.

The Department has proposed repealing specific subsections due to the procedural nature of the content included in the regulation.

The FC references are proposed to be amended from FC sections 4909 and 17524 to FC sections 5700.604 and 5700.611.

Factual Basis:

Existing subsection (a) is amended with clarifying language which combines existing subsections (a) and (b). The existing regulation subsections separate the calculation of interest into initiating and responding jurisdictions, which is unnecessary, causes confusion, and includes procedures which should not be contained within regulations. Proposed subsection (a) explains a new provision from UIFSA 2001 and UIFSA 2008 amendments in which the issuing state's order controls and governs any accrual of interest.

Subsections (a)(1), (a)(2), and (a)(3) are repealed due to the procedural content they contain on calculation of interest when California is the initiating jurisdiction. It is intuitive that for a responding jurisdiction to enforce a case on

behalf of California, it requires case information be sent to them, and 45 CFR 303.7 provides the framework for the working relationship between the two jurisdictions. The Child Support Enforcement (CSE) system contains the financial history of a case, which an LCSA worker can utilize to generate documentation on interest accrual or other financial information, to submit to another jurisdiction for enforcement as part of completing the procedure called for in existing subsection (a)(1). 45 CFR 303.7(c)(5) addresses the initiating jurisdiction sending sufficient, accurate information along with documentation and intergovernmental forms to a responding jurisdiction to enforce an order, and 45 CFR 303.7 subsections (1) and (d)(6)(iv) require the responding jurisdiction to accept and enforce the order. If necessary, a responding jurisdiction can request additional documentation, including financial information, from an LCSA pursuant to 45 CFR 303.7 subsections (d)(2)(ii) and (iii) to enforce a case. Federal regulations address the content contained in existing subsection (a)(2) and allow for its repeal. One of the LCSAs' primary responsibilities, regardless of if the parties in a case all are residing in California or in separate jurisdictions, is to maintain accurate information on account balances. Due to this responsibility, an LCSA is prepared to update balances on arrears and interest and provide this updated information to the responding jurisdiction pursuant to 45 CFR 303.7(c)(7). This covers the repeal of existing subsection (a)(3).

Existing subsection (b) is replaced with a clarification on interest accrual which is not included in state statute. Since there is currently no federal guidance on intergovernmental interest accrual when multiple interest rates exist, a clarification is needed since California only applies one interest rate to a child support case at a time.

Subsections (b)(1), (b)(1)(A), (b)(1)(B), and (b)(2) are repealed due to the procedural content they contain on calculation of interest when California is the responding jurisdiction. As stated before, 45 CFR 303.7 provides the framework for the working relationship between jurisdictions to share information to enforce a case. FC 5700.604 provides that the law of the issuing state or foreign country governs the computation and payment of arrearages and accrual of interest on the arrearages under the support order. FC 5700.604 also states California "shall apply the procedures and remedies of this state to enforce current support and collect arrears and interest due on a support order of another state or a foreign country registered in this state". This statute covers the repeal of subsections (b)(1) and (b)(1)(A). 45 CFR 303.7 allows an initiating jurisdiction to request California enforce a case which covers the repeal of existing subsection

(b)(1)(B). Pursuant to 45 CFR 303.7(c)(5), an initiating jurisdiction is required to send sufficient, accurate information along with documentation and intergovernmental forms to California for California to enforce an order. If California requires additional information to enforce the order, California can request additional documentation from the initiating jurisdiction pursuant to 45 CFR 303.7 subsections (d)(2)(ii) and (iii). 45 CFR 303.7(d)(2)(ii) and (iii) cover the repeal of existing subsection (b)(2).

In addition, SB 646 (Jackson, Chapter 493, Statutes of 2015) repealed UIFSA 1996 from FC sections 4900-5005 and codified UIFSA 2008 in FC sections 5700.101-5700.905. FC section 17524 is a provision that addresses the requirement for an applicant to provide a statement of arrears, signed under penalty of perjury. It is being proposed for repeal as it is inapplicable to the interest calculation on two or more conflicting orders, the subject of 22 CCR section 117302.

### **Amend Section 117303. Reconciling Multiple Orders/Determination of Controlling Order.**

#### Specific Purpose:

Clarifies the process for reconciling multiple orders from multiple states after the enactment of the Full Faith and Credit for Child Support Orders Act (28 U.S.C. § 1738B) (FFCCSOA) effective October 20, 1994.

Clarifies the determination of controlling order (DCO) process prior to the enactment of FFCCSOA that are subject to ongoing support.

Clarifies the process for reconciling multiple orders issued prior to the enactment of FFCCSOA when there is no ongoing support.

Proposed amendments also repeal language which repeats FC section 5700.207 and instead adds an in-text citation to the section.

The FC reference is proposed to be amended from FC section 4911 to FC section 5700.207.

#### Factual Basis:

Existing subsection (a) is repealed and replaced with clarifying language on the process of reconciling multiple orders issued post-FFCCSOA. Proposed subsection (a) states if multiple orders from multiple states occur after the enactment of FFCCSOA, the Department will aid in or ask a tribunal to

determine the validity of the later issued order after gathering copies of all orders in the case. A DCO process is not used for multiple orders issued post-FFCCSOA. A DCO process, as found in FC section 5700.207, only applies to cases that were issued pre-FFCCSOA and with ongoing child support. It would be rare today to do a DCO since the children born in 1994 or before are emancipated.

Existing subsection (b) is repealed and replaced with clarifying language on reconciling orders issued pre-FFCCSOA. New proposed subsection (b) clarifies that a DCO process is only appropriate when the orders were issued prior to the enactment of FFCCSOA and there is ongoing child support. The subsection further states that prospective interest accrues according to the law of the state that issued the controlling order. The insertion of "accrued interest, if any" after a determination and consolidation of arrears provides a reminder. The reminder is that when litigating consolidation or determination of arrears in UIFSA cases, it is important to litigate the accrued interest as well because to fail to do so risks the loss of the interest component to the date of hearing.

Subsection (c) is repealed and replaced with clarifying language on handling multiple orders issued prior to FFCCSOA but not subject to ongoing support (i.e., arrears only cases). A DCO process cannot be used since there is no ongoing support. LCSAs still continue to find some child support cases where this situation occurs, and the multiple orders must be reconciled. After consulting with the federal Office of Child Support Enforcement, the process was determined to gather copies of all orders and petition the local tribunal, or assist the tribunal in another state, to reconcile accounts and determine arrearages. It is necessary to clarify in regulation what process must be applied in these cases since there are no higher authorities on how to address these cases. Existing subsection (c) repeats the content of FC sections 5700.207(a) and (b), so it is repealed for non-duplication.

Subsection (c)(1) is repealed. This subsection repeats the content of FC section 5700.207(a). It is repealed for non-duplication.

Subsection (c)(2) is repealed. This subsection repeats the content of FC section 5700.207(b)(1). It is repealed for non-duplication.

Subsection (c)(3) is repealed. This subsection repeats the content of FC section 5700.207(b)(2)(A). It is repealed for non-duplication.

Subsection (c)(4) is repealed. This subsection repeats the content of FC section 5700.207(b)(2)(B). It is repealed for non-duplication.

Subsection (c)(5) is repealed. This subsection repeats the content of FC section 5700.207(b)(3). It is repealed for non-duplication.

Subsections (d), (d)(1), and (d)(2) are repealed because the scenario outlined in the regulation is no longer a possibility post-FFCCSOA. In order for this regulation subsection scenario to occur, a DCO would be required, which would only be applicable on pre-FFCCSOA issued orders with ongoing support. After this, another order would need to be found. Since DCO scenarios are extremely rare today, the possibility of finding a subsequent order after a DCO process is nearly impossible.

Subsection (e) is repealed. This subsection repeats the content of FC section 5700.207(g).

In addition, SB 646 (Jackson, Chapter 493, Statutes of 2015) repealed UIFSA 1996 from FC sections 4900-5005 and codified UIFSA 2008 in FC sections 5700.101-5700.905.

### **Amend Section 117400. General Requirements.**

#### Specific Purpose:

The Department proposes to amend the section heading to “General Requirements and Timeframes as an Initiating Jurisdiction” to clarify contents of the section.

Renaming of the subsections. Renaming means there is a newly created subsection (a), and existing subsection (a) is changed to read as subsection (b). Existing subsection (b) then is changed to read as subsection (c) and so on.

Proposed amendments repeal language which repeats 45 CFR 303.7 in existing subsections (d) and (e), and instead adopts an in-text citation to the section in proposed subsection (a).

The term “paternity” is proposed to be amended with “parentage” in proposed subsection (b).

The term “parent” is proposed to be amended with “party” in proposed subsection (b).

The term “foreign countries” are proposed to be inserted, along with “to the extent possible” in proposed subsection (b).

The term “interstate” is amended with “intergovernmental” to clarify changes in UIFSA 2008 and include expanded international cases in proposed subsections (c)(2) and (d).

The word “or” is proposed to be adopted at the end of proposed subsection (c)(1).

The word “possible” is proposed to be amended to the word “practicable” in subsection (c)(2).

Proposal to Repeal “never assistance” in proposed subsection (d).

Existing subsection (f) is proposed for repeal due to content being invalid.

#### Factual Basis:

Amending the section heading to include “and Timeframes as an Initiating Jurisdiction” helps to clarify that information contained within this section pertains to the LCSAs' role and responsibilities when California is the initiating jurisdiction. This differentiates between the LCSAs' role and responsibilities when California is the responding jurisdiction. This also assists with easily locating information in the CCR based on section headings as 22 CCR section 117500 is also currently entitled “General Requirements”.

Renaming of the subsections assists with organization and clarity in the CCR. It places regulatory content into their own separate subsections, so the content can stand out when reading the CCR. The content is not hidden in another CCR subsection.

Proposed subsection (a) is added to reference 45 CFR 303.7. This helps to eliminate repetitive language from the CFR by an in-text citation and avoids duplication of the CFR.

Existing subsection (a) is changed to read as subsection (b), and the term “paternity” is amended with “parentage” for clarity and consistency. As stated before the UPA was amended by AB 2684 (Bloom, Chapter 876, Statutes of 2018) to include same-sex couples and generally updated the term “paternity” to “parentage”. The updated term is necessary for consistency throughout these regulations and with state statutes since the definition of “paternity” is limited to

unwed biological parents while “parentage” includes parents of any gender or marital status, who conceive through the use of assisted reproduction.

Proposed subsection (b) adds “or a foreign country” after “a state other than California” since the definition of “state” from FC section 5700.102(26) excludes foreign countries, and they are required to be included with the introduction of the Convention.

Insertion of the term “to the extent possible” in proposed subsection (b) allows for flexibility as there may be countries not signatory to the Convention nor have a reciprocal agreement with California or the United States. Certain circumstances may also occur where the LCSA is not able to establish parentage, or establish and enforce support orders.

The term “parent” is changed to “party” in proposed subsection (b). The Department uses the term “party” to recognize the fact that the person caring for a child may not be a parent to the child.

Existing subsection (b) is changed to read as proposed subsection (c) with no changes to the text.

New proposed subsection (c)(1) adds “or” at the end of the subsection to clarify the LCSA has a choice in applying subsection (c)(1) or subsection (c)(2) as an initiating jurisdiction. Depending on specific case factors, one option may be better suited for the case over the other, adding the “or” provides clarity that the LCSA has discretion to use one or the other option.

Amending the term “interstate” to “intergovernmental” in proposed subsection (c)(2) and proposed subsection (d) is necessary for consistency throughout the regulations since “interstate” is limited to cases within the USA while “intergovernmental” cases encompass all child support cases both interstate and internationally. The amending of “possible” to “practicable” makes a non-substantive, grammatical change.

Existing subsection (c) is amended to read as proposed subsection (d).

“Never assistance” is repealed for reasons of clarity and brevity in proposed subsection (d). “Never assistance” is currently a “non-public assistance” case. When opening a child support case, it is not necessary to distinguish between “never assistance” and “non-public assistance”.

Existing subsections (d), (d)(1), (d)(2), (d)(3), and (d)(4), are repealed. These subsections repeat the content of 45 CFR 303.7 subsections (a)(6), (a)(7), (c)(2), (c)(4), (c)(4)(i), (c)(4)(ii), (c)(5), and (c)(6). The proposed repeal avoids duplication of 45 CFR 303.7 and creates brevity in the regulations.

Subsections (e), (e)(1), (e)(2), (e)(3), and (e)(4) are repealed. These sections repeat provisions described in article 3, section 117303 relating to reconciling multiple orders post-FFCCSOA or completing the DCO process for orders issued pre-FFCCSOA. The repeal creates brevity in the regulations.

Subsection (f) is repealed because the regulations contained therein are invalid since the subsection creates limits on enforcement. As long as there is a need for enforcement of an order, the LCSA will enforce it.

### **Amend Section 117401. Paternity.**

#### Specific Purpose:

The Department proposes to amend the section heading to “Paternity as an Initiating Jurisdiction” to clarify contents of the section.

The existing regulation is proposed to be amended to repeal existing subsections (a) and (c) which contradicted with or repeated existing federal regulation.

The proposed regulation also includes proposed amendments for clarity and formatting.

The FC reference from the existing regulation is updated from FC section 4905 to FC section 5700.201.

#### Factual Basis:

Amending the section heading to include “as an Initiating Jurisdiction” helps to clarify that information contained within this section pertains to the LCSAs’ role and responsibilities when California is the initiating jurisdiction on matters pertaining to paternity. This differentiates between the LCSAs’ role and responsibilities when California is the responding jurisdiction on matters pertaining to paternity. This also assists with easily locating information in the CCR based on section headings as 22 CCR section 117501 is also currently entitled “Paternity”.

Subsection (a) is repealed because it contradicts 45 CFR 303.7(e)(1). 45 CFR 303.7(e)(1) states that a responding jurisdiction must pay processing costs, including genetic testing, in intergovernmental IV-D cases. As an initiating jurisdiction, California would not pay for genetic testing. Federal Final Rule 2010 amended federal regulations to revise that a responding jurisdiction is now responsible for any costs incurred in processing intergovernmental IV-D cases. The existing CCR pre-dates this change from 2010. Repealing content helps to eliminate conflicting language from the CCR and align with federal regulations.

Existing subsection (b) is changed to read as proposed subsection (a). "And" is added to the subsection for clarity and formatting.

Adopted subsection (b) is added to separate a portion of existing subsection (b) for clarity and formatting.

Subsection (c) is repealed because it repeats 45 CFR 303.7(e)(1). 45 CFR 303.7(e)(1) allows a responding jurisdiction the option to seek judgment against an alleged father who denied paternity, if paternity is established, since the responding jurisdiction paid for the costs of genetic testing. This repeal avoids duplication of higher authorities.

In addition, SB 646 (Jackson, Chapter 493, Statutes of 2015) repealed UIFSA 1996 from FC sections 4900-5005 and codified UIFSA 2008 in FC sections 5700.101-5700.905.

### **Amend Section 117402. Disclosure of Information on Uniform Interstate Family Support Act Pleadings.**

#### Specific Purpose:

Proposed amendments specify the requirements for the nondisclosure of personal information pursuant to UIFSA 2008.

"His/her residence address" and "address" is amended to "their personal information" in subsection (a).

An in-text citation to Civil Code of Procedures section 1798.3(a) is added in subsection (a).

Proposed adoption and incorporation by reference to the "Affidavit of Non-Disclosure", DCSS 0722 (Rev. 11/15/16) in subsection (a) and proposed subsection (b).

Existing subsection (b) is proposed to be repealed.

Existing subsection (c) is proposed to be renamed to subsection (b).

The FC reference from the existing regulation is updated from FC sections 4926, 4977, 4978 to FC section 5700.312.

Factual Basis:

Subsection (a) is amended to provide for the use of the “Affidavit of Non-Disclosure”, DCSS 0722 (Rev. 11/15/16) form, as provided, to keep case participants’ personal information from case and court documents which may be shared across state lines. This is due to the possible unintended consequence of putting a case participant or a child at risk if domestic violence was involved in the past. This is necessary to protect case participants and children as use of this form identifies which case information should not be shared across state lines.

Amending “residence address” to “personal information” broadens the inclusion of personal information to further protect case participants and children at risk for domestic violence. Certain combinations of personal information, outside of a residence address, may lead to the location of a case participant or a child if this information is not protected. Broadening the scope of case participant or a child’s information outside of a residence address reduces the possible unintended consequence of putting a case participant or a child at risk if domestic violence was involved in the past.

It is necessary for an in-text citation to Civil Code of Procedures section 1798.3(a) to define what is considered personal information, and what may not be disclosed to the other party or public.

The “Affidavit of Non-Disclosure”, DCSS 0722 (Rev. 11/15/16) is incorporated by reference as it would be cumbersome and impractical to publish the form in the CCR. The form is necessary to implement the laws on protecting a case participant or child(ren) whose health, safety or liberty is at risk. FC section 5700.312 provides for non-disclosure of identifying information to the other party or the public at the request of a custodial party. To accommodate FC section 5700.312, the Department developed the “Affidavit on Non-Disclosure”, DCSS 0722 (Rev. 11/15/16) to support an administrative process. UIFSA 2008 had revised the procedure for nondisclosure requests and made it an administrative process. The “Affidavit of Non-Disclosure”, DCSS 0722 (Rev. 11/15/16) is used in

UIFSA cases when withholding personal information, such as address, social security number and telephone number, is in the best interest of the child(ren) or party ordered to receive support. This results in the redaction of personal information on filed documents the public may access.

“His/her” is amended to “their” to promote gender inclusivity. This proposed amendment is to align with various state statutes. For example, California Gender Recognition Act, Senate Bill 179 (Atkins and Wiener, Chapter 853, Statutes of 2017), calls for pronouns associated to gender identity to be replaced with gender-neutral pronouns. The UPA was also made gender neutral in 2014 by AB 1403 (Judiciary Committee, Chapter 510, Statutes of 2013).

Subsection (b) is repealed since the procedures and provisions contained therein are no longer relevant with the introduction of FC section 5700.312. FC section 5700.312 pertains to a case participant either alleging in an affidavit or pleading under oath that a disclosure of their personal information risks their or a child’s health, safety or liberty, any personal information must then be sealed and not disclosed to the other party or public. Only after a hearing may a court order the disclosure of information that the court determines to be in the interest of justice. This subsection proposed repeal assists with nonduplication and brevity in the regulations.

Existing subsection (c) is changed to read as proposed subsection (b) and makes non-substantive, grammatical changes to incorporate the use of the “Affidavit of Non-Disclosure”, DCSS 0722 (Rev. 11/15/16), as provided in subsection (a).

In addition, SB 646 (Jackson, Chapter 493, Statutes of 2015) repealed UIFSA 1996 from FC sections 4900-5005 and codified UIFSA 2008 in FC sections 5700.101-5700.905.

### **Repeal Section 117403. Modification of Child Support Orders.**

#### Specific Purpose:

The Department proposes to repeal existing 22 CCR section 117403 and relocate certain provisions contained within the existing regulation to proposed 22 CCR section 117300, for organizational purposes.

#### Factual Basis:

The Department proposes relocating all existing regulations relating to modification of child support orders to proposed article 3, section 117300 for organizational purposes. This helps to eliminate repetitive regulations of the same subject matter and improve clarity.

Subsection (a) is proposed to be repealed as it repeats content contained in 22 CCR section 117300(c) and (d). If California does not have continuing, exclusive jurisdiction to modify a child support order, the LCSA is required to forward the request and modification to the state or foreign country with continuing, exclusive jurisdiction. 45 CFR 303.7(c)(9) establishes the 20-day timeframe to forward information referred to in the existing regulation. The proposed repeal avoids duplication and creates brevity in the regulations.

Subsection (b) is proposed to be repealed as it repeats content contained in existing 22 CCR section 117300(e). 22 CCR section 117300(e) states that if no state has continuing, exclusive jurisdiction, a LCSA must forward the request for review and modification to the state of the non-requesting party. The proposed repeal creates brevity in the regulations and assists with organization.

Subsection (c) has been relocated to 22 CCR section 117300 as new subsection (m) for organizational purposes. This helps to eliminate repetitive regulations of the same subject matter and improve clarity.

#### **Repeal Section 117404. Modification of Spousal Support Orders.**

##### Specific Purpose:

The Department proposes to repeal the regulations contained within existing article 4, section 117404 as they are duplicative of a higher authority.

##### Factual Basis:

This section repeats existing FC section 5700.211, which was added in the UIFSA 2008 amendments. FC section 57200.211 decrees that a state that issued a spousal support order is the state with continuing, exclusive jurisdiction to modify the spousal support order. Repealing 22 CCR section 117404 helps to avoid duplication of higher authorities that do not need to be made specific or clarified in regulation.

#### **Amend Section 117405. Direct Income Withholding.**

##### Specific Purpose:

The Department proposes to amend the section heading to “Direct Income Withholding Orders” for consistency in using defined terms.

The term “interstate” is proposed to be amended with “intergovernmental” to clarify changes in UIFSA 2008 and include expanded international provisions throughout this CCR.

Subsection (a) is proposed to be amended to insert “To enforce an order issued by or made payable to California”.

The title of Federal Form OMB NO.: 0970-0154 is proposed to be amended from “Order/Notice to Withhold Income for Child Support” to “Income Withholding for Support”.

In subsection (a) the 22 CCR in-text reference to section 110250 is proposed to be amended to section 110311.

Subsection (b) is proposed to be amended to include “one or more of the following, non-inclusive list applies” and a new scenario where an intergovernmental process may be used instead of a direct income withholding process.

The proposed regulation also includes minor punctuation, grammar, and formatting changes.

The FC reference from the existing regulation is updated from FC sections 4940-4942 and 4944-4946 to FC sections 5700.501-5700.503 and 5700.505-5700.507.

#### Factual Basis:

The proposed amended section heading will match a term currently defined in 22 CCR section 110268, “Direct Income Withholding”. 22 CCR section 110268 is proposed to be amended to “Direct Income Withholding Order”. The Department proposes to add “order” to the term in 22 CCR section 110268 to clarify this as a specific type of income withholding order used in intergovernmental child support cases. Amending the section heading in 22 CCR section 117405 to add “order” creates consistency with use of terms within the regulations.

Subsection (a) amendments specify a direct income withholding order is to be used “To enforce an order issued by or made payable to California” for clarity. The amendments also change the term “interstate” to “intergovernmental” to

clarify changes in UIFSA 2008 and include expanded international provisions. This aligns with the federal Final Rule 2010 switch to “intergovernmental” instead of “interstate”.

Federal Form OMB NO.: 0970-0154 is now called “Income Withholding for Support”. This is a mandated federal form used in accordance with USC 42 §666(b)(6)(A)(ii,) and must be issued to employers or other income payers to collect child support in tribal, intrastate, and interstate cases. This proposed form name update is to align with the name change.

The in-text 22 CCR reference to section 110250 is amended to section 110311. In 2006, the Department moved all its definition CCRs into title 22, division 13, chapter 1, subchapter 1, article 1 and renumbered various definition CCR sections. Previously “employer” was numbered 22 CCR section 110250 but was renumbered to 22 CCR section 110311 in this reorganization. This proposed amendment is to align with the current 22 CCR section definition for “employer”.

Subsection (b) changes the term “interstate” to “intergovernmental” to clarify changes in UIFSA 2008 and include expanded international provisions. This aligns with the federal Final Rule 2010 switch to “intergovernmental” instead of “interstate”. Additional proposed amendments state that one or more of the following subsections may apply but that the list is not all-inclusive. Unknown scenarios not stated in the list may occur when a direct income withholding is not possible. A non-inclusive list allows for case flexibility in use of the intergovernmental process when these unknown scenarios occur.

The change from “a” to “an” in subsection (b)(1) is a non-substantive grammatical error correction.

No changes to subsection (b)(2).

Existing subsection (b)(3) is repealed and replaced with language explaining a typical scenario when an order has been made payable to an initiating state to recoup aid paid to a custodial party. This proposed amendment is to clarify that a DCO process is very unlikely to occur given there must be a current support order and it predates FCCSSOA. This now provides direction that when there is an order issued by another state, an intergovernmental process is utilized.

No changes to subsections (b)(4), (b)(5), (b)(6), (b)(7), and (b)(8).

Subsection (b)(9) is added to include unemployment and workers' compensation benefits since many states will not accept an income withholding order from another state's central registry, making direct enforcement impossible. This will allow an order to be enforced through an intergovernmental process instead.

In subsections (c) and (d) the term "interstate" is replaced with "intergovernmental" to clarify changes in UIFSA 2008 and include expanded international provisions. This proposed change is to align with the federal Final Rule 2010 switch to using "intergovernmental" instead of "interstate".

No changes to subsections (e) and (e)(1).

Subsection (e)(2) and (f) changes the term "interstate" to "intergovernmental" to clarify changes in UIFSA 2008 and include expanded international provisions. This proposed change is to align with the federal Final Rule 2010 switch to using "intergovernmental" instead of "interstate".

No changes to subsection (g).

In addition, SB 646 (Jackson, Chapter 493, Statutes of 2015) repealed UIFSA 1996 from FC sections 4900-5005 and codified UIFSA 2008 in FC sections 5700.101-5700.905.

### **Repeal Section 117406. Administrative Enforcement Without Registration.**

#### Specific Purpose:

The Department proposes to repeal the regulations contained within existing article 4, section 117406 for organizational purposes.

#### Factual Basis:

The Department proposes to repeal existing 22 CCR section 117406 and relocate the provisions contained within the existing regulation, including minor changes, to proposed amended 22 CCR section 117503(b) for organizational purposes. A responding jurisdiction determines whether to register or enforce administratively an order from an initiating jurisdiction when administrative remedies may be used. An initiating jurisdiction has no say in this decision. This content is a duplicate of proposed amended 22 CCR section 117503(b). This proposed repeal also helps create brevity in the regulations.

## **Repeal Section 117407. Interstate Forms.**

### Specific Purpose:

The Department proposes to repeal the subsections contained within existing article 4, section 117407 as they are procedural.

### Factual Basis:

The Department has proposed repealing this section due to the procedural nature of the content included in the regulation. Mandated federal form, OMB NO.: 0970-0085, states the procedure initiating states must follow to request case action from a responding state. A regulation is not necessary to clarify this procedural nature. This also assists with brevity in the regulations by repealing unnecessary procedural content.

## **Amend Section 117500. General Requirements.**

### Specific Purpose:

The Department proposes to amend the section heading to "General Requirements and Timeframes as a Responding Jurisdiction" to clarify contents of the section.

Proposed amendments to subsection 117500(a) repeal language which repeats 45 CFR 303.7 and instead adds an in-text citation to 45 CFR 303.7.

Proposed amendments to subsection 117500(b) repeal regulations which set unnecessary timeframes for LCSAs to follow. It also clarifies California will act as a responding jurisdiction in a particular scenario.

Amends existing subsections (c) and (d) to repeal regulations which set unnecessary timeframes for LCSAs to follow.

Amends existing subsection (c) to allow California to only collect processing fees if they are part of a court order and giving credit to the obligor for payments toward the obligation amount.

Repeal subsections (e), (f) and (g) to remove duplicate content from the CFR and FC .

The FC reference from the existing regulation is also updated from FC sections 4907, 4919-4921, and 17402 to FC section 5700.301.

## Factual Basis:

Amending the section heading to include “and Timeframes as a Responding Jurisdiction” makes locating content searchable by section headings for readers. Based on a clear section heading, readers would know to look at this specific CCR to read about the LCSAs’ role and responsibilities when California is the responding jurisdiction in intergovernmental cases. This also assists with clarity as 22 CCR section 117400 is currently entitled “General Requirements” too.

Existing subsections (a), (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (b), (b)(1), (b)(2), (b)(3), and (c) are repealed. These subsections repeat the content of 45 CFR 303.7 subsections (d)(6), (d)(6)(i), (d)(6)(ii), (d)(6)(iv), (d)(6)(v), (d)(6)(vi), (d)(2), (d)(2)(i), (d)(2)(ii), (d)(6)(iii), and (d)(7), respectively. This proposed repeal is for non-duplication and creating brevity in the regulations.

Proposed subsection (a) is amended to reference 45 CFR 303.7. This helps to eliminate repetitive language contained in the CFR by use of an in-text citation.

Amended proposed subsection (b) is added to outline a scenario of a nonresident petitioner performing a direct filing of a child support order, in which case California would act as the responding jurisdiction without an initiating jurisdiction. This scenario of a direct filing of a petition by an individual petitioner or a support enforcement agency is to clarify UIFSA 2008 (with comments) section 301(b) and FC section 5700.301(b).

The Department is proposing to repeal existing subsection (c) to align with federal requirements and timeframes. 45 CFR 303.7 does not provide for a set timeframe for providing notice of a hearing due to enforcement or modification of an order to an initiating state. This removes an unnecessary and excessive timeframe for a LCSA to follow that is not required by state or federal requirements.

State statutes do not specify that California is not a cost recovery state. A regulation is necessary to clarify this and to specify what must occur if processing fees are not differentiated in a court order in proposed subsection (c). California will only collect processing fees for an initiating jurisdiction if they are included in a court order, since California is not a cost recovery state. Clarification is necessary that if the court order does not differentiate between the processing fees and the amount of child support, then the initiating jurisdiction is responsible for deducting the processing fee from the collection

sent by the responding jurisdiction and forwarding the remainder to the obligee. In California, the obligor will be given full credit for all payments toward the obligation amount in the court order by both California and the initiating jurisdiction even if the initiating jurisdiction deducts a processing fee from the amount collected. This is necessary to avoid an undue burden to an obligor when the obligor made the payment stipulated in the court order.

The Department is proposing to repeal subsection (d) to align with the federal requirements and timeframes for responding jurisdictions throughout the article. The timeframe in the existing subsection is unnecessary and excessive for LCSAs to follow.

Subsection (e) is repealed because it repeats the content of 45 CFR 303.7 subsection (a)(7). The 45 CFR content does not need to be made specific or clarified. Its repeal assists with nonduplication and creates brevity in the regulations.

Subsections (f) and (g) are repealed because the regulations are already included in FC section 5700.305(b)(1) through (4). The FC section does not need to be made specific or clarified. Its repeal assists with nonduplication and creates brevity in the regulations.

In addition, SB 646 (Jackson, Chapter 493, Statutes of 2015) repealed UIFSA 1996 from FC sections 4900-5005 and codified UIFSA 2008 in FC sections 5700.101-5700.905.

### **Amend Section 117501. Paternity.**

#### Specific Purpose:

The Department proposes to amend the section heading to "Paternity as a Responding Jurisdiction" to clarify the contents of this section.

Proposed amendments also repeal language which repeats or conflicts with 45 CFR 303.7.

Proposed amendments to insert foreign country in existing subsection (b).

The proposed regulation includes minor punctuation, grammar, terminology, and formatting changes.

The FC reference from the existing regulation is also updated from FC sections 4905 to FC sections 5700.201.

Factual Basis:

Amending the section heading to include “as a Responding Jurisdiction” makes locating content searchable by section headings for readers. Based on a clear section heading, readers would know to look at this specific CCR to read about the LCSAs’ role and responsibilities when California is the responding jurisdiction on paternity matters in intergovernmental cases. This further assists with clarity as 22 CCR section 117401 is currently entitled “Paternity” too.

Existing subsection (a) is amended to merge with subsection (a)(1). Minor punctuation changes to the text have been made for grammatical clarity.

Existing subsection (a)(2) is repealed because it now conflicts with the content of 45 CFR 303.7 subsection (e)(1). 45 CFR 303.7(e)(1) states the responding jurisdiction must pay for the costs it incurs, including genetic testing, in processing intergovernmental IV-D cases. The requirement that a responding state now pays incurred costs was revised with federal Final Rule in 2010 which the existing CCR pre-dates. This proposed repeal helps to eliminate conflicting language from the CCR and align with federal regulations.

Subsection (a)(3) is repealed because it repeats the content of 45 CFR 303.7 subsection (d)(6)(i). 45 CFR 303.7(d)(6)(i) allows a responding state to seek judgment for costs incurred should paternity be established. The proposed repeal assists with nonduplication and creates brevity in the regulations.

Subsection (a)(4) is repealed because it now conflicts with the content of 45 CFR 303.7 subsection (e)(1). Federal Final Rule 2010 amended federal regulations that a responding jurisdiction is now responsible for any costs incurred in processing intergovernmental IV-D case, not the initiating jurisdiction. A responding jurisdiction may elect to seek judgment if paternity is established from an alleged father who denied paternity. The existing CCR pre-dates this change from 2010. This helps to eliminate conflicting language from the CCR and align with federal regulations.

Existing subsection (b) adds “or a foreign country” after the word “state” since the definition of “state” from FC section 5700.102(26) excludes foreign countries, and they are required to be included with the introduction of the Convention. An LCSA must now give full faith and credit to another foreign country’s

judgment of parentage. The subsection clarifies that an LCSA will only order genetic tests for orders which are found to be unenforceable in California as the LCSA cannot give full faith and credit to an invalid judgment of parentage.

In addition, SB 646 (Jackson, Chapter 493, Statutes of 2015) repealed UIFSA 1996 from FC sections 4900-5005 and codified UIFSA 2008 in FC sections 5700.101-5700.905.

### **Repeal Section 117502. Transferring Interstate Cases.**

#### Specific Purpose:

The Department proposes to repeal the regulations contained within existing 22 CCR section 117502.

#### Factual Basis:

Subsections (a), (a)(1), (a)(2), (a)(3), (b), (b)(1), (b)(2), and (b)(3) are repealed. These subsections repeat the content of 45 CFR 303.7 subsections (d)(3) and (d)(4). This removes duplicate regulations that are contained in higher authorities and do not need to be made specific or clarified in regulation. It also creates brevity in the regulations.

### **Amend Section 117503. Registration of Foreign Orders.**

#### Specific Purpose:

The Department proposes to amend the section heading to "Registration of Orders" to clarify contents of the section.

Proposed amendments to existing subsection (a) insert "or a foreign country" after the word "state".

Proposed amendments to existing subsection (b) clarify the use of administrative remedies by the LCSAs instead of the registration of an order. Proposed amendments to clarify that Convention support orders issued outside of the United States first need to be registered for enforcement.

Proposed amendments to existing subsection (c) to clarify the registration of orders from a non-qualifying foreign country through comity.

Proposed repeal of regulatory language that repeats FC sections 5700.507(b), 5700.602, and 5700.603(a).

The FC reference from the existing regulation is also updated from FC sections 4946 and 4950-4954 to FC sections 5700.507 and 5700.601-5700.605.

Factual Basis:

The section heading is proposed to be amended to clarify the contents of this section. This section pertains to the registration of orders from either another state or a foreign country. The term “foreign order” to a person not having an in-depth knowledge of child support implies the order is from a foreign country, not another state. In the past, “foreign order” just meant outside of California’s borders, but with the inclusion of foreign countries from UIFSA 2008 it now creates confusion as to whether other states’ orders are included too. The repeal of the term “foreign” reduces this confusion as using just registration of “orders” implies both states and foreign countries.

Proposed amendments to existing subsection (a) inserts the wording “or a foreign country” after the word “state” since the definition of “state” in FC section 5700.102(26) excludes foreign countries. Foreign countries are now required to be included with the introduction of the Convention. The word “foreign” is removed before the word “order” for clarity. This clarifies that an order can be from another state or foreign county, and it matches terminology used in the section heading.

Existing subsections (b), (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5) are repealed. These subsections repeat the content of FC section 5700.602. This removes duplicate regulations that are contained in higher authorities and do not need to be made specific or clarified in regulation.

Existing subsection (b) is amended to clarify an LCSA is not required to register an order if it can be enforced in California through administrative remedies. This LCSA flexibility to use administrative remedies, rather than registering orders, is necessary to benefit families. Families may receive their support sooner with administrative remedies rather than wait for orders to undergo the process of registration.

A Convention support order issued outside of the United States is required to be registered pursuant to FC section 5700.706. These proposed amendments clarify that a Convention support order issued outside of the United States first needs to be registered in order to have judicial enforcement.

Content located in existing subsection (c) is repealed. This repeats content found in FC section 5700.603(a); an order is registered when it is filed with California. This avoids having duplicate content in the CCR and creates brevity in the regulations.

Existing subsection (c) is then amended to define enforcement through comity. In this subsection “comity” means that a court in the United States will respect and enforce a judgment of another country not out of an obligation pursuant to statute, but due to respect. A court would still need to be satisfied that due process considerations were met in establishment of the order.

Subsection (d) is repealed. This subsection repeats the content of FC section 5700.507(b). This proposed repeal avoids having duplicate content in the CCR and creates brevity in the regulations.

In addition, SB 646 (Jackson, Chapter 493, Statutes of 2015) repealed UIFSA 1996 from FC sections 4900-5005 and codified UIFSA 2008 in FC sections 5700.101-5700.905.

#### **Repeal Section 117504. Modification of Child Support Orders.**

##### Specific Purpose:

The Department proposes to repeal the regulations contained within current existing article 5, section 117504. Content is proposed to be moved to article 3, section 117300.

##### Factual Basis:

The Department is proposing to repeal all existing regulations relating to continuing, exclusive jurisdiction and the modification of child support orders as they are duplicative of regulations now contained in proposed amended article 3, section 117300. This proposed repeal helps to eliminate repetitive regulations and it improves clarity on the location of regulatory content in the CCR. It also creates brevity in the regulations.

#### **Amend Article 6 in Chapter 7, Division 13, of Title 22.**

##### **Article 6. Limited Interstate Services.**

##### Specific Purpose:

Proposed amendment of the Article's heading from "Limited Interstate Services" to "Limited Intergovernmental Services".

Factual Basis:

Federal Final Rule 2010 began to use the new term "intergovernmental" instead of "interstate". Updating the term "interstate" to "intergovernmental" in the article's heading is necessary for consistency throughout regulations and statutes since interstate is limited to cases within the United States.

Intergovernmental cases encompass all child support cases both interstate and internationally. Other occurrences of the term "interstate" are amended with "intergovernmental" in the proposed regulatory text for consistency.

**Amend Section 117600. Local Child Support Agency Responsibilities.**

Specific Purpose:

The Department proposes to amend the existing section heading to "Limited Intergovernmental Services" to clarify the contents contained in this section.

The term "interstate" is proposed to be amended with "intergovernmental" throughout the proposed regulatory text to clarify changes in UIFSA 2008 and include expanded international provisions.

The FC reference from the existing regulation is updated from FC sections 4930-4932 to FC sections 5700.316-5700.319.

Factual Basis:

22 CCR sections 113100 and 120204 have this same section heading, "Local Child Support Agency Responsibilities". The proposed amended section heading matches the Article's proposed heading.

Updating the term "interstate" to "intergovernmental" in the section heading is necessary for consistency throughout regulations and statutes since interstate is limited to cases within the United States. Intergovernmental cases encompass all child support cases both interstate and internationally. Other occurrences of the term "interstate" are amended with "intergovernmental" in the proposed regulatory text for consistency. This change is to align with federal Final Rule 2010.

In addition, SB 646 (Jackson, Chapter 493, Statutes of 2015) repealed UIFSA 1996 from FC sections 4900-5005 and codified UIFSA 2008 in FC sections 5700.101-5700.905.

**Adopt Article 7 in Chapter 7, Division 13, of Title 22.**

**Article 7. Convention Proceedings.**

Specific Purpose:

The Department is proposing to adopt Article 7, entitled Convention Proceedings, to establish requirements which are consistent with the federal rule for the Convention.

Factual Basis:

The Department proposes to adopt Article 7 for organizational purposes to contain content on Convention Proceedings. The processing of intergovernmental child support cases are handled differently when the countries involved are both members of the Convention. In these cases, special Convention rules apply, requiring different forms, timeframes, and processes. Its own article makes regulatory content on Convention Proceedings easy to locate when searching through the CCR, as non-Convention UIFSA requirements are found in Articles 1 through 6.

**Adopt Section 117700. General Requirements for Convention Support Proceedings.**

Specific Purpose:

The Department is proposing to adopt 22 CCR section 117700 entitled "General Requirements for Convention Support Proceedings".

Factual Basis:

The section heading is proposed to be adopted to establish requirements which are consistent with the federal rule for the Convention. The section heading helps with organizational methods in locating regulations by an identifiable section heading title.

Subsection (a) is adopted to reference the Hague Convention, of which the majority of the provisions have been codified in article 7 of UIFSA 2008 (with comments) and thereby are also codified in FC sections 5700.701-5700.713.

Where a Convention support order proceeding differs from an intergovernmental support order, these FC provisions act as the substantive and procedural state law. When both countries are members of the Convention, different forms, timeframes, and processes apply than when both countries are not members of the Convention. It is necessary to point out special provisions apply in this situation.

Subsection (b) is adopted in reference to FC 5700.316(e). FC 5700.316(e) states that documentary evidence transmitted from outside of California by electronic means may not be excluded from evidence based on it being transmitted electronically. This clarifies electronic signatures are allowed on electronically submitted documents and those electronic signatures are treated as original signatures.

This section is necessary to conform to FC Code sections 5700.102, 5700.316, and 5700.701-5700.713 as amended by SB 646 (Jackson, Chapter 493, Statutes of 2015).

#### **Amendments in Article 2, in Chapter 8, Division 13 of Title 22:**

##### **Amendments to Section 118203. Requirements for Case Closure.**

###### Specific Purpose:

Proposal to amend the in-text citation from FC section 4905 to FC section 5700.201 in subsection (a)(6)(B)(1).

Proposal to amend "interstate" to "intergovernmental" in sections (a), (a)(14), and (a)(14)(C).

Proposal to repeal the in-text citation to 22 CCR section 112100(b)(2) in subsection (c).

###### Factual Basis:

SB 646 (Jackson, Chapter 493, Statutes of 2015) codified UIFSA 2008 into FC as part of a mandate from the federal government for states to implement UIFSA 2008. The passage of SB 646 (Jackson, Chapter 493, Statutes of 2015) repealed the previously codified version of UIFSA 1996 in FC sections 4900-5005, and codified UIFSA 2008 in FC sections 5700.102-5700.905. Due to this change in renumbering the FC statutes to codify UIFSA 2008, the in-text citation in

subsection (a)(6)(B)(1) needs to be amended. FC section 5700.201 is the current renumbering of previous FC section 4905.

The updated term from “interstate” to “intergovernmental” is necessary for consistency throughout regulations and statutes since “interstate” is limited to cases within the United States while “intergovernmental” cases encompass all child support cases both interstate and internationally. This is to align with federal Final Rule 2010 that made the switch to using “intergovernmental” in place of “interstate”.

Removing the in-text citation to 22 CCR section 112100(b)(2) in subsection (c) is to align with 45 CFR 303.11(d)(5). 45 CFR 303.11(d)(5) states a case participant can complete a new application and request a case to be reopened if there is a change in circumstances that could lead to the establishment of paternity or a support order or enforcement of an order. The in-text citation to 22 CCR section 112100(b)(2) causes confusion on if a previously closed case can only be reopened if applying for services to collect spousal support if certain conditions are met. To avoid confusion and create clarity in the regulation, the Department proposes to repeal this in-text citation.

## **Amendments to the Manual of Policies and Procedures Chapter 12-100 Child Support Enforcement Components and Standards.**

### **Repeals and Amendments to MPP Subsection 12-101. General.**

#### Specific Purpose:

The Department proposes to repeal 12-101(c)(1), “California Central Registry”.

Proposal to amend 12-101(i) “interstate case”.

Proposed repeal of 12-101(q)(1), “Quick locate”.

Proposal to amend in the authority and reference citations the Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193) sections 457(a) and (f) [42 U.S.C. 657(f)] to 42 U.S.C (e)]. Repeal Civil Code of Procedures section 640.1. Amend 45 CFR 303.7(a)(7)(iv) to 45 CFR 303.7.

#### Factual Basis:

“California Central Registry” is superseded by 22 CCR section 110132 “Central Registry”. The “Central Registry” is the same exact thing as the “California

Central Registry” defined in the MPP, but it is now housed within the Department instead of the State Department of Justice. The Department has reviewed and determined that no remaining content in the MPP is dependent on having a definition for “Central Registry”. The proposed repeal creates clarity as there is no potential conflict by having definitions for “Central Registry” in both the CCR and the MPP. The CCR is the primary location the Department uses for its current and future regulations. Over time the Department will conduct rulemaking actions to obsolete the child support sections in the MPP.

“Interstate case”, as defined in the MPP 12-101(i), is outdated. In 1996, the Uniform Reciprocal Enforcement of Support Act was superseded by the mandate to use UIFSA. Since there is remaining content in the MPP that still uses the term “interstate case”, a reference to an “interstate case” definition is necessary. The Department analyzed existing child support MPP sections and determined that using the CCR definition for “interstate case” does not impact or alter the meaning of those existing MPP sections. An in-text citation to 22 CCR section 110466 is required for brevity and clarity.

“Quick Locate” is superseded by 22 CCR section 110690 “Quick Locate”. The MPP definition of “quick locate” defines the phrase in terminology substantially similar to that found in the CCR. The “Form FSA 200, Child Support Enforcement Transmittal, (Rev. 1/91)” cited in the MPP definition of “quick locate” is outdated and is now called the “Child Support Enforcement Transmittal #3-Request for Assistance/Discovery” (OMB NO.: 0970-0085). It is not necessary to insert this federal form into the 22 CCR definition for “quick locate” as the form’s usage is prescribed in 22 CCR section 113100(g). The Department has reviewed and determined that no remaining content in the MPP is dependent on having a definition for “quick locate”. The proposed repeal creates clarity as there is no potential conflict by having definitions for “quick locate” in both the CCR and the MPP. The CCR is the primary location the Department uses for its current and future regulations as the Department plans to obsolete the remaining MPP child support sections in subsequent rulemaking actions.

In 1999, during federal amendments to 42 U.S.C 657, subsection (f) was redesignated as subsection (e). In 1997, Civil Code of Procedures section 640.1 was repealed by AB 1058 (Stats 1996, Chapter 9, Section 3). 45 CFR 303.7(a)(7)(iv) no longer exists. Instead, a reference to 45 CFR 303.7(a), “General Responsibilities” is the reference for MPP 12-101.1 content. The reference notes require amending to reflect these changes.

**Amendments to the Manual of Policies and Procedures Chapter 12-700  
Franchise Tax Board (FTB) and Financial Management Services (FMS) Tax Refund  
Intercept Regulations.**

**Repeals and Amendments to MPP Subsection 12-701. Definitions.**

Specific Purpose:

The Department proposes to repeal the definition for “interstate case”.

Repeal the definition for “registration”.

Repeal the definition for “responding state”.

The authority citations are updated from 17302 and 17400, Family Code to 17306, 17310 and 17312, Family Code. The reference citations are updated from Family Code sections 4900 et seq. to 5700.101 et seq., and the Office of Child Support Enforcement Action Transmittal 98-17 to Office of Child Support Enforcement Action Transmittal 10-04.

Factual Basis:

“Interstate case” definition is superseded by 22 CCR section 110466 Interstate Case. This specific definition of “interstate case” in 12-701(i)(4) only applied to MPP Chapter 12-700, Franchise Tax Board (FTB) and Financial Management Services (FMS) Tax Refund Intercept Regulations. The regulatory content contained in Chapter MPP 12-700, except for the 12-701 definition section, has been repealed. This proposed repeal would create clarity and brevity by eliminating an outdated meaning of “interstate case”.

“Registration” is superseded by 22 CCR section 110710 “Register”. “Registration” and “register” have the same meaning as they both describe a process to enforce or modify a support order or judgment. Since no other existing content in the MPP depends on “registration”, the Department is proposing to repeal this term for brevity and clarity on where intergovernmental terms are defined. The proposed repeal also avoids any potential conflict by having definitions for “register” in both the CCR and the MPP.

FC section 5700.102(23) defines “responding state” in terminology substantially similar to that found in the MPP. The only occurrence of “responding state” in the MPP is in this proposed repeal of MPP subsection 12-701(r)(2). No other content in the existing MPP relies on this definition. The repeal of “responding

state" from both the CCR and the MPP would create a single higher authority since the term would be defined by FC section 5700.102(23), "responding state". As noted earlier in the necessity and factual basis for 22 CCR section 117000, intergovernmental terms would be defined by either the CCR, FC sections 5700.102 and 5700.701, or 45 Code of Federal Regulations, section 301.1, not the MPP.

The MPP was written when the Department was housed in the California Department of Social Services. Some of the authorities and references cited in the MPP authority and reference notes have now been superseded. It is necessary for the Department to update these authority and reference citations to reflect current versions.

The Department was granted quasi legislative power through FC sections 17306, 17310 and 17312 for its rulemaking authority. The federal Office of Child Support Enforcement (OCSE) has also updated its child support policies since this MPP section was last amended. AT-98-17 has been archived by OCSE as it no longer contains current child support policy. Tracing the history of AT-98-17, the Department has determined OCSE's policy from AT-98-17 is now contained in AT-10-04, "Collection and Enforcement of Past-Due Child Support Obligations" dated June 11, 2010. In addition, SB 646 (Jackson, Chapter 493, Statutes of 2015), repealed UIFSA 1996 from FC sections 4900-5005 and codified UIFSA 2008 in FC sections 5700.101-5700.905.

### **Anticipated Benefits of This Regulatory Action**

Intergovernmental case regulations reference repealed FC sections from when California was operating under UIFSA 1996. Since UIFSA 2008 was enacted as of January 1, 2016, reference citations need to be updated to the correct Family Code statutes. This proposal makes these technical changes while conforming regulation content to UIFSA 2008 provisions codified in FC sections 5700.101-5700.905. Revisions to UIFSA 2008, such as the inclusion of foreign countries and new evidentiary procedures, have fundamentally altered UIFSA from its 1996 version. Amending and adopting new intergovernmental case regulations results in an enhanced alignment by implementing, interpreting, or making specific prevailing FC statutes.

Another benefit of this regulatory action is an increased efficiency by the Department and the LCSAs. The removal of erroneous, duplicative, and

conflicting regulations assists the Department and the LCSAs in having a clear policy of the registration, recognition, enforcement, and modification of intergovernmental support orders. Clear policies save both the Department and the LCSAs time and resources asking and answering clarifying questions. Renaming and the reorganization of regulations further assist with increased efficiency. Regulatory content is easily located in the CCR through amended section headings and similar regulatory content is now grouped together. Time is saved searching through regulatory content. Increased Department and LCSA efficiency directly assist families as necessary support is given in an efficient, timely manner.

### **Technical, Theoretical, and Empirical Study, Report, or Similar Document**

No technical, theoretical, or empirical study, report, or similar document was used in the formulation of this proposal. However, the following supportive factual documents are included in this filing:

1. Senate Bill (SB) 646 (Chapter 493, Statutes of 2015).
2. Uniform Interstate Family Support Act (UIFSA) 2008 with Comments.

### **Updated Forms Previously Cited and Incorporated by Reference**

1. Affidavit of Non-Disclosure, DCSS 0722 (Rev. 11/15/16)
2. Application for Non Title IV-D Locate Services, DCSS 0073 (Rev. 09/01/05)

### **Facts, Evidence, Documents, Testimony, or Other Evidence of No Significant Adverse Impact on Business**

No facts, evidence, documents, testimony, or other evidence of any significant adverse economic impact on business have been identified.

### **Reasonable Alternatives the Department Has Identified That Would Lessen Any Adverse Impact On Small Businesses**

The Department has not identified any reasonable alternatives to the proposed action and no adverse impacts to small businesses are expected as a result of this proposed action.

### **Economic Impact Assessment**

The Department has made an initial determination that the proposed regulatory action:

- Will have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states by making it more costly to produce goods or services. The proposed regulations pertain to implementing UIFSA 2008 and provisions for the enforcement of intergovernmental child support cases.
- The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses within the State of California because the proposed regulations pertain to implementing UIFSA 2008 and provisions for the enforcement of intergovernmental child support cases.
- Does not affect the expansion of businesses currently doing business within the State of California. The proposed regulations do not place any limitations on the expansion of businesses within the State of California.
- The proposed regulatory action does affect the health and welfare of California residents, as it enhances the well-being of children and the self-sufficiency of families by improving the enforcement of intergovernmental child support orders. Families receive needed financial support in a timely and efficient manner.
- Does not adversely impact worker safety, or the State's environment because the proposed regulations do not impact worker safety or the State's environment.
- The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

### **Specific Technologies or Equipment**

This regulation does not mandate the use of specific technologies or equipment.

### **Review of Existing Statutes and Federal Regulations**

In developing these regulations, the Department has conducted a search of applicable existing statutes and regulations relating to interstate and international child support cases into and within California and does not believe

the proposed regulations are inconsistent or incompatible with existing state statutes and federal regulations.

In accordance with FC section 17306(c), the Department consulted with the Child Support Directors Association of California, the California State Association of Counties, labor organizations, parent advocates, child support commissioners, family law facilitators, and relevant committees of the legislature in developing the policies reflected in these regulations.

### **Consideration of Reasonable Alternatives**

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Department would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed actions or would be more cost-effective to affected private persons and equally effective in implementing statutory policies or other provisions of law.