

THE CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES
INTERGOVERNMENTAL CASES

PROPOSED REGULATIONS

The California Department of Child Support Services proposes various changes to Title 22 of the California Code of Regulations and the Manual of Policies and Procedures, as specified below.

PLEASE NOTE: The proposed text is illustrated for greater accessibility. Proposed regulatory language during the 45-day notice is shown as single underlined and the following bracketed text, [begin underline] and [end underline], to show the beginning and end of the underline where new text is added. Text proposed for deletion is shown in ~~strikethrough~~ with the bracketed language, [begin strikethrough] and [end strikethrough], to denote the beginning and end of stricken text.

In some instances, changes are described in brackets where indicating changes by identifying the beginning and end of the underline and/or strikethrough in brackets would be confusing.

1) Adopt Sections 110146, 110198 and 110860 to Article 1. Definitions, Subchapter 1, Chapter 1, Division 13, of Title 22 of the California Code of Regulations, to read as follows:

[begin underline] Section 110146. Comity.

“Comity” means the common law practice of a tribunal voluntarily recognizing the legislative or judicial laws or decisions of another tribunal as a matter of courtesy, where the legislative or judicial laws or decisions are found to be valid under the law of the issuing tribunal and where such recognition is harmonious with the public policy of the recognizing tribunal.

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Section 5700.104 and 5700.105, Family Code.

Section 110198. Convention.

“Convention” means The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (2007 Family

Maintenance Convention) with an effective date of January 1, 2017, as to the United States.

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Section 5700.102(3), Family Code.

110860. Uniform Interstate Family Support Act (UIFSA).

“Uniform Interstate Family Support Act (UIFSA)” means the Uniform Interstate Family Support Act, codified at Part 6 of Division 9 of the Family Code, which may be cited or referenced as “UIFSA”.

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections 5700.101-5700.905, Family Code. [end underline]

2) Amend Sections 110132, 110192, 110196, 110268, 110296, 110307, 110430, 110446, 110450, 110466, 110518, 110590, 110594, 110654, 110710, and 110794 to Article 1. Definitions, Subchapter 1, Chapter 1, Division 13, of Title 22 of the California Code of Regulations, to read as follows:

Section 110132. Central Registry.

“Central Registry” means a unit within each state responsible for receiving, screening, and distributing incoming [begin strikethrough] interstate [end strikethrough] [begin underline] intergovernmental [end underline] cases, and for responding to inquiries on incoming [begin strikethrough] interstate [end strikethrough] [begin underline] intergovernmental [end underline] cases.

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Section [begin strikethrough] 4924 [end strikethrough] [begin underline] 5700.310 [end underline] , Family Code; and 45 Code of Federal Regulations, Section 303.7.

Section 110192. Continuing, Exclusive Jurisdiction.

“Continuing, exclusive jurisdiction” means the authority of a tribunal to modify a support order because at least one of the parties or the child who is the subject of the order remains a resident of the state issuing the order and [begin strikethrough] written [end strikethrough] [begin underline] the parties have not expressed [end underline] consent [begin underline] in a record or in open court [end underline] [begin strikethrough] of the parties [end strikethrough] to confer

continuing jurisdiction on another state [~~begin strikethrough~~] ~~has not been filed~~ [~~end strikethrough~~].

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Section [~~begin strikethrough~~] ~~4909~~ [~~end strikethrough~~] [begin underline] 5700.205 [end underline], Family Code.

Section 110196. Controlling Order.

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

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Section [~~begin strikethrough~~] ~~4911~~ [~~end strikethrough~~] [begin underline] 5700.207 [end underline], Family Code.

Section 110268. Direct Income Withholding [begin underline] Order [end underline].

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

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Section [~~begin strikethrough~~] ~~4940~~ [~~end strikethrough~~] [begin underline] 5700.501 [end underline], Family Code.

Section 110296. Earnings.

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

(a) Wages, salary, bonuses, vacation pay, retirement pay and commissions.

(b) Payments for services of independent contractors, interest, dividends, rents, royalties, residuals, patent rights, or mineral or other natural resource rights.

(c) Payments or credits due or becoming due as a result of a written or oral contract for services or sales whether denominated as wages, salary, commission, bonus, or otherwise.

(d) Payments due for workers' compensation temporary disability benefits.

(e) Payments due from a disability or health insurance policy or program.

(f) Any other payments or credits due or becoming due, regardless of the source.

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Section 706.011(a), Code of Civil Procedure; and Sections [begin strikethrough] 4901(e) [end strikethrough] [begin underline] 5700.102(9) [end underline] and 5206, Family Code.

Section 110307. Emancipation.

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

(a) The child meets the conditions set forth in Family Code Section 3901.

(b) The judgment, decree or order directing the child support was terminated by order of the court.

(c) The judgment, decree or order directing the child support was terminated under the law of the issuing [begin strikethrough] state [end strikethrough] [begin underline] tribunal [end underline].

(d) The child support ordered pursuant to Family Code Section 3587 has ceased or was terminated.

(e) The child meets at least one of the conditions set forth in Family Code Section 7002.

Note: Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections 3901, 3587, [begin underline] and [end underline] 7002 [begin strikethrough] , 17306, 17310 and 17312 [end strikethrough], Family Code.

Section 110430. Income Withholding Order.

“Income withholding order,” “assignment order,” “assignment order for support,” “earnings assignment order,” and “wage assignment order” means a court order or administrative notice for income withholding, or legal process directed to an obligor’s employer, or other debtor of the obligor, to withhold from the income of the obligor an amount owed for support. Any income withholding order, or assignment order, or assignment order for support, or earnings assignment order, or wage assignment order issued by a local child support agency shall be issued on the federal form [begin strikethrough] “Order/Notice to Withhold Income for Child Support,” FL 195 OMB Control No. 8 as adopted by the California Judicial Council. [end strikethrough] [begin underline] “Income Withholding for Support”, OMB NO.: 0970-0154. [end underline]

Authority cited: Sections 17306, 17310 and 17312, Family Code. References: Sections [begin strikethrough] 4901(f) [end strikethrough] [begin underline] 5700.102(10) [end underline], 5208 and 5246, Family Code.

Section 110446. Initiating State.

“Initiating state” means a state [begin underline] , or a foreign country, [end underline] from which a proceeding is forwarded, or in which a proceeding is filed for forwarding, to a responding state [begin underline] or a foreign country [end underline] .

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Section [begin underline] 5700.102(11) [end underline] [begin strikethrough] 4901 [end strikethrough], Family Code.

Section 110450. Initiating Tribunal.

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

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Section [begin strikethrough] 4901 [end strikethrough] [begin underline] 5700.102(11) [end underline], Family Code.

Section 110466. Interstate Case.

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

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: [begin strikethrough] Section 17306, Family Code; and [end strikethrough] 45 Code of Federal Regulations, Section [begin strikethrough] 303.7. [end strikethrough] [begin underline] 301.1. [end underline]

Section 110518. Long Arm Jurisdiction.

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

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Section [begin strikethrough] 4905 [end strikethrough] [begin underline] 5700.201 [end underline], Family Code.

Section 110590. Obligee.

“Obligee,” [inserted a comma after the word obligee and begin underline] “Payee,” and “Creditor” [end underline] means [the word means was amended to mean] an individual, agency, or entity to whom a duty of support is owed.

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections [begin strikethrough] 17306, 17310 and 17312 [end strikethrough] [begin underline] 3550, 3900, 5214, and 5700.102(16) [end underline], Family Code.

Section 110594. Obligor.

“Obligor,” [inserted a comma after the word obligor and begin underline] “Payor,” and “Debtor” [end underline] means [the word means was amended to mean] an individual, or the estate of a decedent, who [begin strikethrough] owes a duty of support. [end strikethrough] [begin underline] is liable under a support order. [end underline]

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections [begin underline] 3550, 3900, [end underline] 5216 [begin underline] ,

5700.102(17), [end underline] and 17212, Family Code; and Section 11478.1, Welfare and Institutions Code.

Section 110654. Personal Jurisdiction.

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

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Section [begin strikethrough] 4905 [end strikethrough] [begin underline] 5700.201 [end underline], Family Code.

Section 110710. Register.

“Register” means a legal process by which a support order or judgment is filed with a tribunal [begin strikethrough] in a state [end strikethrough] to [begin underline] commence the process by which the [end underline] [begin strikethrough] give that [end strikethrough] tribunal [begin underline] obtains [end underline] authority to modify or enforce a support order.

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Section [begin strikethrough] 4950 [end strikethrough] [begin underline] 5700.601 [end underline], Family Code.

Section 110794. Subject Matter Jurisdiction.

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

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Section [begin strikethrough] 4905 [end strikethrough] [begin underline] 5700.201 [end underline], Family Code.

3) Repeal Sections 110375, 110422, 110474, 110478, 110730, 110734, 110758, 110762, and 110858 to Article 1. Definitions, Subchapter 1, Chapter 1, Division 13, of Title 22 of the California Code of Regulations, to read as follows:

[begin strikeout] Section 110375. Foreign Order.

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

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

~~Section 110422. Home State.~~

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

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

~~Section 110474. Issuing State.~~

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

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

~~Section 110478. Issuing Tribunal.~~

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

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

~~Section 110730. Responding State.~~

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

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

~~Section 110734. Responding Tribunal.~~

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

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

~~Section 110758. Spousal Support Order.~~

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

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

~~Section 110762. State.~~

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

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

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

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

~~Section 110858. Tribunal.~~

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

~~Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections 4901 and 4902, Family Code. [end strikethrough]~~

4) Amend Section 113100 in Article 1, of Chapter 3, Division 13, of Title 22 of the California Code of Regulations, to read as follows:

Section 113100. Local Child Support Agency Responsibilities.

(a) Each local child support agency shall:

(1) Use all appropriate locate sources when the noncustodial parent's location is unknown. Appropriate locate sources include, but are not limited to:

(A) California Parent Locator Service (CPLS) as the primary clearing house for accessing numerous data bases.

(B) United States Postal Service.

(C) Local telephone company.

(D) Federal Parent Locator Service including the National Directory of New Hires and Federal Case Registry.

(E) State agencies maintaining records of public assistance, wages and employment, unemployment insurance, income taxes, driver's licenses and vehicle registration, vital records and criminal records such as:

1. Employment Development Department, including the State New Hire Registry.

2. Secretary of State.

3. Board of Equalization.

4. Department of Consumer Affairs.

5. Department of Motor Vehicles.

6. Franchise Tax Board.

7. Department of Health Services.

(F) Local agencies which administer public assistance, general assistance, medical assistance, and social services programs.

(G) Financial institutions.

(H) Current and past employers of the noncustodial parent.

(I) Unions.

(J) Fraternal organizations.

(K) Police, parole, and probation offices.

(L) Other sources such as:

1. Interstate location networks, such as other state parent locator services, including quick locate requests.

2. Multi-state financial institution data match.

3. Public utilities.

4. Providers of electronic digital pager communication.

5. Providers of cellular telephone services.

6. Credit reporting agencies.

7. Internet.

8. Voter registration.

9. Friends and relatives of the noncustodial parent.

10. Private locate sources when appropriate.

(2) Use appropriate locate sources when a custodial party's address is unknown and the local child support agency has a child support collection to distribute as specified in subsection (h), or the local child support agency needs to contact the custodial party regarding his/her child support case.

(b) Within no more than 75 calendar days of determining that a noncustodial parent needs to be located, a local child support agency shall:

(1) Access all appropriate locate sources, unless information sufficient to take the next locate, establishment, or enforcement action in a case is otherwise obtained within the 75-calendar-day time frame.

(2) Ensure that location information received is sufficient to take the next locate, establishment or enforcement action, or initiate service of process.

(c) For cases in which location attempts required by subsection (b) were unsuccessful, the local child support agency shall:

(1) When new information which may aid with location is received, immediately initiate location by accessing all appropriate locate sources as specified in subsection (a)(1).

(2) When new information has not been received, repeat location attempts quarterly. Quarterly locate attempts may be limited to accessing automated locate sources when the noncustodial parent's name, date of birth, or social security number are known. Referral to an automated locate source shall include accessing both of the following locate sources:

(A) Employment Development Department.

(B) The California Parent Locator Service.

(3) Not submit locate cases to the Federal Parent Locator Service for quarterly locate activity if the cases were previously submitted to the Federal Case Registry.

(d) The local child support agency shall not be required to take independent action to access locate sources already accessed by CPLS.

(e) If an automated locate source updates its database less frequently than on a quarterly basis, the local child support agency shall refer cases to that source in accordance with how often that source updates its database, rather than every quarter.

(f) If a local child support agency determines that a specific source of locate information is needed in a case, such as when only the noncustodial parent's

earnings or assets need to be located, the local child support agency may refer those cases only to locate sources which provide that type of information.

(g) A local child support agency shall use the quick locate method for locating or confirming the location of a noncustodial parent in another state by **completing the federal form** “[begin strikethrough] ~~Locate Data Sheet~~ [end strikethrough] [begin underline] Child Support Enforcement Transmittal #3- Request for Assistance/Discovery [end underline] , OMB No. 0970-0085,” or the [begin strikethrough] ~~CPLS Form CR-60, as required by the California Department of Justice,~~ [end strikethrough] [begin underline] “Application for Non Title IV-D Locate Services”, DCSS 0073 (Rev. 09/01/05), which is incorporated by reference, [end underline] and submitting it manually or electronically to the California Parent Locator Service for referral to the parent locator service in the state(s) in which the noncustodial parent is believed to be located.

(1) The quick locate method is appropriate for use in the following situations:

(A) When a local child support agency determines that a noncustodial parent might be in one of several states.

(B) When a local child support agency intends to use this state's long arm jurisdiction to establish [begin strikethrough] ~~paternity~~ [end strikethrough] [begin underline] parentage [end underline] or a support order, or to enforce an order and wants to use the quick locate method to confirm the noncustodial parent's location.

(2) When the quick locate method is used, the time frames specified in subsection (b) shall apply.

(h) Within 5 business days of determining that contact with a custodial party has been lost and that custodial party must be located because the local child support agency has a child support collection to distribute to that custodial party, the local child support agency shall attempt to locate that custodial party for 6 months using the locate resources specified in subsection (a)(1).

(1) Contact with a custodial party shall be determined lost when all attempts by a local child support agency to telephone and correspond with a custodial party utilizing all known telephone numbers and addresses, including e-mail have failed. In addition to the locate

resources specified in subsection (a)(1), the local child support agency shall attempt to locate the custodial party by contacting employers, relatives and friends of the custodial party, if known.

(2) When a custodial party cannot be contacted after 6 months of locate attempts, a local child support agency shall return the undeliverable payment(s) to the noncustodial parent with written notification advising the noncustodial parent that the return of the support does not relieve the noncustodial parent of the support order, and the noncustodial parent should consider placing the funds aside for purposes of child support in case the custodial party appears and seeks collection of the undistributed payments.

(i) Each local child support agency shall ensure the requirements of Article 5, Chapter 1, are met with respect to the safeguarding and disclosure of confidential information obtained through locate efforts.

Note: Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections 17212, 17502, 17505, 17506, 17508, 17512 and 17514, Family Code; Section 11478.1, Welfare and Institutions Code; and 45 Code of Federal Regulations, Sections 302.35, 303.3, 303.7, 303.15, 303.69 and 303.70.

5) Amend Section 115510 of Chapter 5, Division 13, of Title 22 of the California Code of Regulations, to read as follows:

Section 115510. Processing a Review for Adjustment of a Support Order - Request by a Party.

(a) When the local child support agency becomes aware, during communication with a party to a child support order with a current support obligation, that a change in circumstance pursuant to Section 115520 appears to exist, the local child support agency shall ask if the party wants the local child support agency to review the case and, if appropriate pursuant to Section 115535, seek an adjustment. The local child support agency shall:

(1) Immediately make a verbal inquiry if the local child support agency becomes aware of an apparent change in circumstance during verbal communication with a party.

(2) Make a verbal or written inquiry within 15 business days of becoming aware of an apparent change in circumstance by written communication from a party.

(b) Within 180 days from the date of a request for review for adjustment; or the date a non-requesting party has been located, whichever is later, the local child support agency shall conduct a review of the order and obtain an adjusted order, or determine that the order should not be adjusted. The date of receipt of the request is the date the requesting party provides current and complete income and expense Judicial Council forms and requested documents to the local child support agency.

(c) A local child support agency may, but is not required, to review a case for adjustment if the case has been reviewed for adjustment within the last six months and nothing has changed. If the local child support agency exercises its discretion not to review a case based upon this subsection, the local child support agency shall terminate the review and adjustment process in accordance with Section 115545(c).

(d) [begin strikethrough] Interstate [end strikethrough] [begin underline] Intergovernmental [end underline] cases shall be handled pursuant to Title 22 California Code of Regulations, Section [begin strikethrough] 117403. [end strikethrough] [begin underline] 117300. [end underline]

(e) Within 15 business days of receiving an oral or written request for review for adjustment, the local child support agency shall:

(1) Determine whether one of the following appears to exist:

(A) A change in circumstance pursuant to Section 115520 is reasonably expected to last for more than three months.

(B) The parties stipulated to a child support order below the amount established by the statewide uniform guideline. No change of circumstance need be demonstrated to obtain an adjustment of the child support order to the applicable guideline level or above.

(C) A request is based upon the need to include a provision for medical support in the child support order.

(2) Terminate the review and adjustment process in accordance with Section 115545(c) if none of the three situations set forth in Section 115510(e)(1) appears to exist.

(3) Proceed pursuant to 22 California Code of Regulations, Section 116114 if a request is based upon the need to include a provision for medical support in the child support order.

(4) Take the following actions if a change in circumstance appears to exist pursuant to Section 115520 and is reasonably expected to last for more than three months, or the parties stipulated to a child support order below the amount established by statewide uniform guideline:

(A) Determine whether the non-requesting party's location is known.

(B) Determine whether a requesting party, who is a non-custodial parent, has multiple cases within the county. If so, the local child support agency shall proceed pursuant to Section 115510(e)(6)(E).

(5) Follow the procedure set forth in Section 115550 if the location of a non-requesting party is unknown.

(6) Provide to all parties, on the same date, by mail or personal delivery, the appropriate income and expense Judicial Council forms and/or a written notice as follows if the non-requesting party's location is known:

(A) A requesting party, who is a parent, shall be provided with the appropriate income and expense Judicial Council forms and a written notice. The written notice shall include the following information:

(i) The requesting party's current and complete income and expense Judicial Council forms, and requested documents are required to process the request for review for adjustment.

(ii) No action will be taken by the local child support agency until the requesting party provides current and complete income and expense Judicial Council forms and requested documents to the local child support agency.

(iii) The requesting party's failure to submit current and complete income and expense Judicial Council forms and requested documents to the local child support agency within 20 business days from the date of the notice will result in the local child support agency terminating the review and adjustment process.

(iv) The date of receipt of the request for review for adjustment is the date the requesting party provides current and complete income and expense Judicial Council forms, and requested documents to the local child support agency.

(B) A requesting party, who is not a parent, shall be provided with a written notice. The written notice shall include the following information:

(i) An acknowledgement of receipt of the request for review for adjustment.

(ii) The local child support agency's request that the requesting party provide information, which may affect a child support determination, within 20 business days of the date of the notice.

(C) A non-requesting party, who is a parent, shall be provided with the appropriate income and expense Judicial Council forms and a written notice. The written notice shall include all of the following information:

(i) A request for a review for adjustment has been made by another party.

(ii) The local child support agency requests that the non-requesting party provide his or her current and complete income and expense Judicial Council forms and requested documents.

(iii) The non-requesting party's failure to submit current and complete income and expense Judicial Council forms and requested documents to the local child support agency

within 20 business days from the date of the notice will result in the local child support agency proceeding with the review for adjustment based upon the information provided by the other party and/or other verified information obtained by the local child support agency.

(D) A non-requesting party, who is not a parent, shall be provided with a written notice. The written notice shall include the following information:

(i) A request for a review for adjustment has been made by another party.

(ii) The local child support agency's request that the non-requesting party provide information, which may affect a child support determination, within 20 business days of the date of the notice.

(E) When a requesting party is a non-custodial parent who has multiple cases with the local child support agency, the local child support agency shall:

(i) Provide the forms and notice as discussed in Section 115510(e)(6)(A) to the requesting party and add a provision to the notice which states that a request for review for adjustment will be construed as a request for review of all of the party's cases within the county.

(ii) Process each of the custodial parties' cases collectively, if possible. If the location of a non-requesting party is unknown, the local child support agency shall follow the procedure set forth in Section 115550 for that particular non-requesting party. If the location of a non-requesting party is known, the local child support agency shall continue to process the request for review for adjustment by providing the forms and/or written notices to the non-requesting party as set forth in Section 115510(e)(6)(C) and (D).

(f) Within 15 business days of receipt of the requesting party's income and expense Judicial Council forms and requested documents, the local child support agency shall provide the requesting party with a written notice of the local child support agency's determination of the child support obligation. The written notice shall include the following information:

support agency shall review the requesting party's income and expense Judicial Council forms and requested documents for completeness and, if incomplete, notify the requesting party, verbally or in writing, of the following:

(1) The requesting party's complete income and expense Judicial Council forms and requested documents are required before commencement of the review for adjustment.

(2) The specific deficiencies of the income and expense forms and/or failure to submit the forms or requested documents.

(3) Failure to correct the deficiencies within 35 business days of the date of the initial notice set forth in Section 115510(e)(6)(A) will result in the local child support agency terminating the review and adjustment process.

(g) Any alteration(s) to the requesting party's income and expense Judicial Council forms requires the requesting party's signature prior to a hearing.

(h) If the requesting party fails to correct the deficiencies within 35 business days of the date of the initial notice set forth in Section 115510(e)(6)(A), the local child support agency shall terminate the review and adjustment process pursuant to Section 115545(c).

(i) If the requesting party completes and submits income and expense Judicial Council forms and requested documents, the local child support agency shall review for adjustment as set forth in Section 115535 using the following, if applicable:

(1) The non-requesting party's complete and current income and expense Judicial Council forms and requested documents if the non-requesting party submitted such forms and requested documents within 20 business days of the date of the written notices as set forth in Section 115510(e)(6).

(2) The presumption as discussed in Section 115540 if the non-requesting party failed to submit current income and expense Judicial Council forms and requested documents within 20 business days of the date of the written notices as set forth in Section 115510(e)(6) and the presumption criteria is met.

(3) The court findings pursuant to Family Code Section 4058(b).

(4) The non-requesting party's current income and expense information contained within the case file and/or information obtained through automated locate tools and the Federal Case Registry.

Note: Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections 3680.5, 4065 and 17304, Family Code; 22 CCR [~~begin strikethrough~~ 117403 [~~end strikethrough~~] [begin underline 117300 [end underline]; 42 U.S.C. 666(a)(10); and 45 CFR 302.70(a)(10) and 303.8.

6) Amend Section 116100 from Article 1 of Subchapter 6.1. Chapter 6, Division 13 of Title 22 of the California Code of Regulations, to read as follows:

Section 116100. Preparing and Serving an Income Withholding Order -General Requirements and Timeframes.

(a) If a child support order exists, a local child support agency shall serve an income withholding order on an obligor's employer, unless a court has ordered that service be stayed. The income withholding order shall specify the following amounts, as applicable, to be withheld from the obligor's disposable earnings whether for child, family, spousal, and/or medical support:

(1) The amount(s) of current support specified in the most recent support order.

(2) The amount specified in the court order to be withheld for the liquidation of any support arrearage.

(3) An amount to be withheld for the liquidation of any support arrearage, if no amount(s) of payment toward any arrearage is specified in the court order, or additional arrears have accrued after the date of a court order for support. If both current support and arrearages exist, the amount to be withheld from salary or wages towards the liquidation of arrearages shall not exceed 25 percent of the current support order, or when combined with the current support amount, the maximum amount withheld cannot exceed 50 percent of the obligor's disposable earnings.

(A) In addition to the amount specified in (a)(3) above, when an obligor's current support obligation for a child terminates by operation of law but an arrearage balance exists, the local child support agency shall serve an amended income withholding order

on the obligor's employer within 30 days that provides for a monthly payment that is equal to the current support payment that has terminated for each child, to be applied towards the liquidation of arrearages not to exceed the maximum amount withheld cannot exceed 50 percent of the obligor's disposable earnings.

(B) An income withholding order issued by a local child support agency for the liquidation of arrearages, shall not exceed five percent of a disabled obligor's total monthly Social Security Disability Insurance (SSDI) benefits pursuant to Title II of the Social Security Act, if the obligor provides the local child support agency with proof that the obligor meets the Supplemental Security Income (SSI) resource test and is receiving SSI/State Supplementary Program (SSP) benefits and/or SSDI, or, but for excess income, would be eligible to receive SSI/SSP. Proof that the obligor is otherwise eligible for SSI/SSP, but for excess income, includes SSDI check stubs and self certification by the obligor declaring under penalty of perjury that the obligor meets the SSI resource limits.

(b) In addition to the original income withholding order served on an employer, a local child support agency also shall serve, the following on the obligor's employer to deliver to the obligor:

(1) A second copy of the income withholding order.

(2) A blank request for hearing regarding wage and earnings assignment, and the information sheet for request for hearing regarding wage and earnings assignment.

(c) An income withholding order and the documents specified in subsection (b) shall be served on an obligor's employer:

(1) Within 15 days of any of the following:

(A) The date the support order is received by the local child support agency, if the address of the obligor's employer is known on that date.

(B) The date the obligor's employer is located. If the obligor's employer is located through the State Directory of New Hires, the

income withholding order shall be served within the timeframe specified in subparagraph (2), below.

(C) The date the local child support agency opens a case, if the address of the obligor's employer is known on that date and the support order was entered prior to case opening, and the local child support agency confirms the existence of the court order. The local child support agency shall take appropriate action to confirm the existence of the court order within 10 days of opening the case.

(D) The date information is received from the Independent Contractor Registry.

(E) The date the [begin strikethrough] ~~foreign state~~ [end strikethrough] [begin underline] support [end underline] order is registered by the local child support agency in California pursuant to Section 117503 and the employer is known.

(2) Within two business days after the date information regarding a newly hired employee is entered into the State Directory of New Hires.

(d) Service on an employer of the documents specified in subsections (a) and (b) may be made by either:

(1) Electronic means, such as fax or email.

(2) First class or express mail.

Note: Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections 5206, 5232 and 5246, Family Code; 15, United States Code, Section 1673(b); 42 United States Code, Sections 653a(g), 666(a)(8) and (b); and 45 Code of Federal Regulations, Section 303.100.

7) Amend Chapter 7. Interstate Cases, Division 13, of Title 22 to read as follows:

Chapter 7. [begin strikethrough] ~~Interstate~~ [end strikethrough] [begin underline] Intergovernmental [end underline] Cases.

8) Adopt Section 117000 to Article 1. Definitions, Chapter 7, Division 13, of Title 22 of the California Code of Regulations, to read as follows:

[begin underline] Section 117000. Intergovernmental Definitions.

Unless specifically defined under Article 1. Definitions, Subchapter 1, Chapter 1, Division 13, of Title 22 of the California Code of Regulations, Family Code Section 5700.102, Family Code Section 5700.701, or Title 45 of the Code of Federal Regulations Section 301.1, words shall have their usual meaning.

Note: Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: 22 CCR Sections 110004 et seq.; Sections 5700.102, and 5700.701, Family Code; and 45 Code of Federal Regulations, Section 301.1. [end underline]

9) Amend Section 117200 from Article 2, Chapter 7, Division 13, of Title 22 of the California Code of Regulations, to read as follows:

Section 117200. General Requirements [begin underline] for Long Arm Jurisdiction [end underline].

(a) [begin underline] Subject to the discretion of the local child support agency ~~a~~ [end underline and the word a was made lowercase] local child support agency shall establish parentage and/or a child support order by exercising long arm jurisdiction if [begin strikethrough] ~~paternity~~ [end strikethrough] [begin underline] parentage [end underline] and support have not been established, [begin underline] and [end underline] [begin strikethrough] ~~but~~ [end strikethrough] the facts of the case indicate that the requirements for asserting personal jurisdiction over the alleged parent in another state [begin underline] or a foreign country [end underline] are met.

(b) In cases in which [begin strikethrough] ~~paternity~~ [end strikethrough] [begin underline] parentage and/or a child support order [end underline] must be established, [a comma was inserted following the word established] and an alleged [begin strikethrough] ~~father~~ [end strikethrough] [begin underline] parent [end underline] does not reside in California, a local child support agency shall obtain sufficient information to determine whether any basis exists upon which California can assert long arm jurisdiction over the alleged [begin strikethrough] ~~father~~ [end strikethrough] [begin underline] parent [end underline].

(c) In making the determination described in subsections (a) and (b), the local child support agency shall review the case for any [begin strikethrough] ~~of the following~~ [end strikethrough] factors [begin underline] as defined in Family Code Section 5700.201 which may give a tribunal personal jurisdiction. [end underline] [begin strikethrough] ~~which may give a tribunal personal jurisdiction:~~

- ~~(1) The noncustodial parent is personally served with notice within California.~~
- ~~(2) The noncustodial parent submits to the jurisdiction of California by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction.~~
- ~~(3) The noncustodial parent resided with the child in California.~~
- ~~(4) The noncustodial parent formerly resided in California and provided prenatal expenses or support for the child.~~
- ~~(5) The child resides in California as a result of the acts or directives of the noncustodial parent.~~
- ~~(6) The noncustodial parent engaged in sexual intercourse in California and the child may have been conceived by that act of intercourse.~~
- ~~(7) The noncustodial parent has signed a voluntary declaration of paternity in California.~~
- ~~(8) Any other basis consistent with the constitutions of California and the United States for the exercise of personal jurisdiction.~~

~~(d) A local child support agency seeking to establish an order through the exercise of long arm jurisdiction shall be subject to the same due process requirements as cases where the noncustodial parent resides in California. [end strikethrough]~~

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Section [begin strikethrough] 4905 [end strikethrough] [begin underline] 5700.201 [end underline], Family Code.

10) Amend Sections 117300, 117301, 117302, and 117303 of Article 3, Chapter 7, Division 13, of Title 22 of the California Code of Regulations, to read as follows:

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

(a) Except as specified in subsections [the previous word subsection was amended to subsections] (b), [begin underline] (f), (j), and (l), [end underline]

only the ~~issuing~~ state that issued the order shall have continuing, exclusive jurisdiction to modify a support order.

(b) In determining whether it believes California or another state has continuing, exclusive jurisdiction to modify a support order, the local child support agency shall apply the following rules:

(1) Only one state shall have continuing, exclusive jurisdiction to modify a support order at any given time.

(2) If the child, the obligee who is an individual, or the obligor resides in the state that issued the controlling order, that state has continuing, exclusive jurisdiction to modify.

(3) Once a state has continuing, exclusive jurisdiction, it shall retain jurisdiction as long as any one of the parties or children in the case still resides in the state, unless the parties ~~file a written~~ express consent in a record or in open court in the issuing tribunal allowing another state or foreign country, with personal jurisdiction over any of the parties, to assume continuing, exclusive jurisdiction to modify the order.

(c) When an obligee or obligor requests review and modification of a child support order, the local child support agency shall determine whether California has continuing, exclusive jurisdiction to modify the order, or whether the local child support agency must forward the request to another state or foreign country for modification.

(d) If there is a state or foreign country that has continuing, exclusive jurisdiction, a local child support agency shall forward the request for modification to the extent practicable to the state or foreign country that has continuing, exclusive jurisdiction.

(e) If a local child support agency determines that no state has continuing, exclusive jurisdiction, a local child support agency shall forward the request for review and modification to the state of the non-requesting ~~parent~~ party.

(f) [repeal the word A and begin underline] A If the child or any individual party to an action resides in California, a [end underline] California tribunal may review and modify [begin strikethrough] ~~the~~ [end strikethrough] [begin underline] an [end underline] order [begin strikethrough] ~~when it does not have continuing, exclusive jurisdiction,~~ [end strikethrough] [begin underline] issued by another state [end underline] if both [begin strikethrough] ~~parents~~ [end strikethrough] [begin underline] parties [end underline] [begin strikethrough] ~~file a written consent form~~ [end strikethrough] [begin underline] express consent in a record or in open court [end underline] with the tribunal [begin strikethrough] ~~in~~ [end strikethrough] [begin underline] of [end underline] the state that issued the order [begin strikethrough] ~~and the California court has personal jurisdiction over at least one of the parents~~ [end strikethrough] [begin underline] for this state to assume continuing, exclusive jurisdiction and modify the order [end underline].

(g) In formulating its determination of whether California or another state [begin underline] or foreign country [end underline] has continuing, exclusive jurisdiction to modify the order, the local child support agency should make diligent efforts to determine whether there is any other entity having jurisdiction.

(h) If California [begin strikethrough] ~~was the issuing~~ [end strikethrough] [begin underline] is the [end underline] state [begin underline] that issued the order [end underline], and [begin strikethrough] ~~California~~ [end strikethrough] [begin underline] California [end underline] loses jurisdiction, a local child support agency may not bring a request to modify the support order once another tribunal has properly assumed continuing, exclusive jurisdiction and modified the order.

(i) If a tribunal of another state has [begin underline] appropriately [end underline] assumed continuing, exclusive jurisdiction [begin underline] pursuant to UIFSA [end underline], and has modified the order, the local child support agency loses its authority to enforce the order prospectively, but retains jurisdiction to enforce the order as to amounts that accrued prior to the modification and as to nonmodifiable aspects of the order.

[begin underline] (j) If California is the state that issued the order, and all parties no longer reside in this state, California may retain continuing, exclusive jurisdiction to modify the order if all parties express consent in a record or in open court in a California tribunal that California may continue to exercise jurisdiction to modify its order.

(k) Pursuant to FC 5700.611(f), California retains jurisdiction to modify an order issued in California, if all parties reside outside of California, only when requested by a party, and one party resides in another state and the other party resides outside the United States, and no other state has assumed continuing, exclusive jurisdiction.

(l) Pursuant to Family Code section 5700.615, if a foreign country either cannot or refuses to modify an order issued in its tribunal and this state may exercise personal jurisdiction over both parties, a tribunal of this state may modify the support order. Consent from a party residing in California is not required. A request to this state from a resident of the foreign country to modify in this state constitutes submission to the jurisdiction of this state for purposes of modification of support only.

(m) A local child support agency may proceed with a motion to modify support that has been served, even if a party leaves the state while the motion is pending, unless both parties agree to terminate the modification proceeding.
[end underline]

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections [begin strikethrough] 4909, 4959, 4960 and 4962 [end strikethrough] [begin underline] 5700.205, 5700.610, 5700.611, 5700.613 and 5700.615 [end underline], Family Code.

Section 117301. Duration of Support.

The duration of a support order is determined by the [begin strikethrough] issuing state's [end strikethrough] law [begin underline] of the state or foreign country that issued the order [end underline] which defines the age of majority and/or emancipation. The duration of a support order may be modified only to the degree it could be modified under the law of the [begin strikethrough] issuing [end strikethrough] state [begin underline] or foreign country that issued the order [end underline].

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Section [begin strikethrough] 4953 [end strikethrough] [begin underline] 5700.604 [end underline], Family Code.

Section 117302. Interest.

(a) [begin underline] To the extent the court finds there are two or more conflicting orders with ongoing current support, the court shall determine the controlling order and consolidate arrears accrued under all valid orders. Upon determination of controlling order, the law of the jurisdiction that issued the controlling order governs the accrual of interest, if any. [end underline] ~~[begin strikethrough] If a tribunal in the state of California issued the controlling order, a local child support agency shall:~~

~~(1) Calculate and document how much interest has accrued on arrears.~~

~~(2) Request a responding state to collect accrued interest.~~

~~(3) Update the balances on arrears and interest and provide those balances to a responding state for collection upon the request of a responding state. [end strikethrough]~~

(b) [begin underline] After proper assumption of continuing, exclusive jurisdiction by a California tribunal of an order issued by another state or foreign country, the modified order shall accrue interest prospectively pursuant to California law. Any interest accrued at the time of modification shall be consolidated and enforced, upon request. [end underline] ~~[begin strikethrough] If a tribunal in a state other than California issued the controlling order, a local child support agency shall:~~

~~(1) Collect interest based upon calculations and documentation provided by the issuing state, provided both of the following criteria are met:~~

~~(A) The issuing state's law authorizes the accrual and collection of interest on support arrears.~~

~~(B) The issuing state requests collection of arrears and interest.~~

~~(2) Request a certified statement of the balances on arrears and interest from the issuing state when needed to proceed with further action on a case. [end strikethrough]~~

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Section ~~[begin strikethrough] 4909 and 17524, [end strikethrough]~~ [begin underline] 5700.604 and 5700.611, [end underline] Family Code.

Section 117303. Reconciling Multiple Orders/Determination of Controlling Order.

(a)[begin strikethrough] A local child support agency shall identify and obtain copies of all child support orders in each case. [end strikethrough] [begin underline] Where multiple orders were issued after the enactment of the Full Faith and Credit for Child Support Orders Act (28 U.S.C. § 1738B) (FFCCSOA), the provisions for Determination of Controlling Order, found at Family Code section 5700.207 do not apply. Instead, if a local child support agency discovers the existence of more than one support order for a family, made in more than one state and issued post-FFCCSOA, the agency shall:

(1) Obtain copies of all child support orders in the case, and

(2) Petition or assist in the petition of the tribunal of another state to reconcile and determine the validity of the later-issued orders. [end underline]

(b) [begin strikethrough] If there are multiple orders, all orders issued by a tribunal having subject matter jurisdiction to hear and issue the order, and personal jurisdiction over the parties, shall be enforceable until a determination of the controlling order is made. Any payments collected under one support order for a particular period shall be credited against amounts accruing for the same period under a support order issued by another state. Once the tribunal having personal jurisdiction over the parties determines the controlling order, arrearages on all other orders shall stop accruing, and only the controlling order may be enforced prospectively. [end strikethrough] [begin underline] Where more than one support order for a family exists, each issued prior to the enactment of FFCCSOA and subject to ongoing support, the court shall apply the provisions for Determination of Controlling Order, found at Family Code section 5700.207. After determination and consolidation of arrears, and accrued interest, if any, the law of the state that issued the controlling order shall control the prospective accrual of interest on all accrued arrears. [end underline]

(c) [begin strikethrough] In developing a recommendation for the tribunal, a local child support agency shall use the following rules for determining the controlling order:

(1) If there is only one order, that is the controlling order.

~~(2) If two or more tribunals have issued child support orders but only one of the tribunals has continuing, exclusive jurisdiction, the order of that tribunal controls and shall be so recognized.~~

~~(3) If two or more tribunals have issued child support orders and more than one of the tribunals has continuing, exclusive jurisdiction, an order issued by a tribunal in the current home state of the child controls and shall be so recognized.~~

~~(4) If two or more tribunals have issued child support orders and more than one has continuing, exclusive jurisdiction, but none of the orders has been issued in the current home state of the child, the order most recently issued in a state having continuing, exclusive jurisdiction controls and shall be so recognized.~~

~~(5) If none of the tribunals has continuing, exclusive jurisdiction, a tribunal of this state may issue the controlling child support order if the tribunal has jurisdiction over the parties. [end strikethrough]~~

[begin underline] Where more than one support order for a family exists, each issued prior to the enactment of FFCCSOA, but not subject to ongoing support, the provisions for Determination of Controlling Order, found at Family Code Section 5700.207 do not apply. Instead, if a local child support agency discovers the existence of more than one support order for a family made in more than one state issued pre FFCCSOA the agency shall:

- (1) Obtain copies of all child support orders in the case, and
- (2) Petition the local tribunal, or assist the tribunal in another state, to reconcile accounts and determine arrears. [end underline]

[begin strikethrough] ~~(d) If a local child support agency discovers a new order after the determination of controlling order has been made, a local child support agency shall review the case to determine if the newly discovered order affects the controlling order determination or the arrears determination.~~

~~(1) If the newly discovered order affects the controlling order determination or the arrears determination, and California has personal jurisdiction over the parties, a local child support agency shall petition the~~

~~tribunal for a new determination of controlling order, based upon the newly discovered order.~~

~~(2) If California does not have personal jurisdiction over the parties, a local child support agency shall petition the tribunal with personal jurisdiction over the parties to make a new determination of controlling order, based upon the newly discovered order.~~

~~(e) Within 30 days of issuance of an order determining the controlling order, a local child support agency shall send a certified copy of the order to each tribunal that issued or registered an earlier order of child support. [end strikethrough]~~

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Section [begin strikethrough] 4914 [end strikethrough] [begin underline] 5700.207 [end underline], Family Code; and 28 United States Code, Section 1738B.

11) Amend Sections 117400, 117401, 117402, and 117405 of Article 4, Chapter 7, Division 13, of Title 22 of the California Code of Regulations, to read as follows:

Section 117400. General Requirements and Timeframes- [repeal period before and begin underline] as an Initiating Jurisdiction.

(a) Comply with all regulations in 45 CFR 303.7. [end underline]

[change former subsection (a) into subsection (b)] (~~a~~ b) A local child support agency shall establish [begin strikethrough] paternity [end strikethrough] [begin underline] parentage [end underline] , and establish and enforce support orders when the noncustodial [begin strikethrough] parent [end strikethrough] [begin underline] party [end underline] resides in a state other than California [begin underline] or a foreign country, to the extent possible, [end underline] and the custodial party resides in California, or when neither [begin strikethrough] parent [end strikethrough] [begin underline] party [end underline] resides in California and one [begin strikethrough] parent [end strikethrough] [begin underline] party [end underline] applies directly for Title IV-D services in California.

[change former subsection (b) into subsection (c)] (~~b~~ c) A local child support agency shall:

(1) Use long arm jurisdiction when establishing judgments of parentage and child support orders in accordance with Article 2, Long Arm Jurisdiction (commencing with Section 117200 of this Chapter) [repeal period and begin underline] or [end underline]

(2) Initiate an [begin strikethrough] interstate [end strikethrough] [begin underline] intergovernmental [end underline] case action if utilization of long arm jurisdiction is not [begin strikethrough] possible [end strikethrough] [begin underline] practicable [end underline].

[change former subsection (c) into subsection (d)] (~~e d~~) A local child support agency shall identify the case status as public assistance, non-public assistance, [begin strikethrough] never assistance, [end strikethrough] or foster care, at the time of initiating the [begin strikethrough] interstate [end strikethrough] [begin underline] intergovernmental [end underline] referral and notify the responding jurisdiction of the case status. A local child support agency shall subsequently notify the responding jurisdiction at any time the case status changes.

[begin strikethrough] (d) Whenever a local child support agency initiates an interstate case it shall:

~~(1) Refer the case to the responding state's central registry for action within 20 days of determining that an interstate action is necessary. As part of the referral, a local child support agency shall submit the appropriate Child Support Enforcement Transmittal forms specified in Section 117407 and any additional necessary documentation sufficient to allow the responding state to act on the case.~~

~~(2) Provide requested information to the responding state or notify the responding state when the information will be provided, within 30 days of receiving a request for additional information from the responding state.~~

~~(3) Notify the responding state of any new information regarding the case within 10 business days of receiving such information.~~

~~(4) Provide a payment record showing a month by month breakdown of amounts owed and paid at the time the case is referred.~~

~~(e) A local child support agency shall determine the amount of arrears owed under multiple orders. When computing arrears under multiple orders, a local child support agency shall:~~

~~(1) Begin with the order with the earliest date.~~

~~(2) Continue with the order with the highest child support amount in effect in any given month.~~

~~(3) Include accrual of interest on arrears to the extent the issuing state charges interest.~~

~~(4) Credit payments collected under one support order for a particular period against amounts accruing for the same period under different support orders.~~

~~(f) A local child support agency shall request responding states to enforce valid orders for accrued arrears, even though the family is no longer on public assistance and no ongoing support order is sought. [end strikethrough]~~

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

Section 117401. Paternity [repeal period and begin underline] - as an Initiating Jurisdiction. [end underline]

When California is the initiating state and paternity must be established, a local child support agency shall:

[begin strikethrough] ~~(a) Pay for the costs of genetic testing in actions to establish paternity.~~ [end strikethrough]

[change subsection (b) into subsection (a)] ~~(b) a~~ Allow a responding state to select the laboratory, [begin underline] and [end underline] schedule the genetic tests and [begin strikethrough] ~~cooperate in obtaining samples from the parent and child~~

(b) Cooperate in obtaining samples from the parent and child [end underline].

~~[begin strikethrough] (c) Request that the responding jurisdiction attempt to secure a judgment against the noncustodial parent to recover a local child support agency's costs for the genetic testing. [end strikethrough]~~

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections ~~[begin strikethrough] 4905 [end strikethrough]~~ [begin underline] 5700.201 [end underline] and 5604, Family Code; and 45 Code of Federal Regulations Section 303.7.

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

(a) A local child support agency shall advise the custodial party of the requirement to disclose ~~[begin strikethrough] his/her residence address [end strikethrough]~~ [begin underline] their personal information, as defined in Civil Code of Procedures Section 1798.3(a), [end underline] on pleadings in Uniform Interstate Family Support Act cases and the right of the custodial party to ~~[begin strikethrough] obtain a nondisclosure order [end strikethrough]~~ [begin underline] sign an "Affidavit of Non-Disclosure," DCSS 0722 (Rev. 11/15/16), which is incorporated by reference, [end underline] to keep ~~[begin strikethrough] the address [end strikethrough]~~ [begin underline] their personal information [end underline] off the documents, if disclosure may put at risk the health, safety or liberty of a party.

~~[begin strikethrough] (b) A local child support agency shall instruct the custodial party to notify the local child support agency of any previously obtained protective or restraining orders or whether a good cause exception has been granted pursuant to Section 14008.6 or 11477.04, Welfare and Institutions Code. If such orders have been obtained or good cause has been granted, the local child support agency shall inform the custodial party that upon request, it shall seek an order of nondisclosure on behalf of the custodial party. [end strikethrough]~~

[change subsection (c) into subsection (b)] (e b) A local child support agency shall use the term "nondisclosure" on the Uniform Interstate Family Support Act documents upon ~~[begin strikethrough] a finding by a tribunal [end strikethrough]~~ [begin underline] receipt of a signed "Affidavit of Non-Disclosure," DCSS 0722 (Rev. 11/15/16) stating [end underline] that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying

information. The local child support agency shall attach [begin strikethrough] all orders for nondisclosure of information [end strikethrough] [begin underline] the "Affidavit of Non-Disclosure," DCSS 0722 (Rev. 11/15/16) [end underline] to the appropriate action form when transmitting a case to another state.

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections [amended the word Sections to Section and begin strikethrough] ~~4926, 4977 and 4978~~ [end strikethrough] [begin underline] 5700.312 [end underline], Family Code.

Section 117405. Direct Income Withholding [begin underline] Orders [end underline].

(a) [begin strikethrough] ~~Except~~ [end strikethrough] [begin underline] To enforce an order issued by or made payable to California, and except [end underline] as specified in (b) below, a local child support agency shall send the Federal Form (OMB NO.: 0970-0154) [begin strikethrough] ~~"Order/Notice to Withhold Income for Child Support,"~~ [end strikethrough] [begin underline] "Income Withholding for Support," directly to an employer, as defined in Section [begin strikethrough] ~~110250~~ [end strikethrough] [begin underline] 110311 [end underline], in another state when the obligor resides outside of California, the employer is known, and a local child support agency has not initiated an [begin strikethrough] ~~interstate~~ [end strikethrough] [begin underline] intergovernmental [end underline] case.

(b) A local child support agency shall use an [begin strikethrough] ~~interstate~~ [end strikethrough] [begin underline] intergovernmental [end underline] process rather than direct income withholding when it has reason to believe [begin underline] one or more of the following, non-inclusive list applies [end underline]:

(1) The obligor has more than one family and another state has sent an [the word a was amended to the word an] income withholding order to the obligor's employer.

(2) The obligor's arrears are in dispute.

(3) [begin strikethrough] ~~There are multiple support orders and the controlling order and arrears determinations have not been made~~ [end strikethrough] [begin underline] The order was issued by and is payable to another state [end underline].

- (4) The obligor has declared bankruptcy.
- (5) The obligor has a history of short term employment or job hopping.
- (6) The obligor is unemployed.
- (7) The obligor is incarcerated.
- (8) The obligor is self-employed.

[begin underline] (9) The obligor is receiving compensation such as unemployment insurance and/or workers' compensation and direct enforcement is not possible. [end underline]

(c) When there is an active [begin strikethrough] interstate [end strikethrough] [begin underline] intergovernmental [end underline] case in progress and the local child support agency decides to file a direct income withholding order, the local child support agency shall notify the responding state to close its case.

(d) When a local child support agency has a direct income withholding order in place, and wishes to initiate an [begin strikethrough] interstate [end strikethrough] [begin underline] intergovernmental [end underline] case, a local child support agency shall advise the responding state of the direct income withholding order and coordinate withdrawal of the direct income withholding order with service of the responding state's withholding order.

(e) If the obligor contests the direct income withholding order, a local child support agency shall:

(1) Contact the Title IV-D agency in the responding state to request its assistance in appearing on behalf of the local child support agency.

(2) Comply with a responding state's request to withdraw the direct income withholding order and file an [begin strikethrough] interstate [end strikethrough] [begin underline] intergovernmental [end underline] action to authorize the responding state to appear on behalf of the initiating state, if the responding state determines such action is necessary.

(f) A local child support agency shall contact the employer if an employer does not comply with the direct income withholding order and attempt to resolve the issue informally. If that effort fails, a local child support agency shall initiate an

[begin strikethrough] interstate [end strikethrough] [begin underline] intergovernmental [end underline] case requesting the responding state to register and serve an income withholding order.

(g) A local child support agency shall open a case and assist an obligor in registering a support order or direct income withholding order that is being contested if an obligor requests Title IV-D services, which includes the right to initiate a contest.

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections [begin strikethrough] 4940-4942 and 4944-4946 [end strikethrough] [begin underline] 5700.501-5700.503 and 5700.505-5700.507 [end underline], Family Code.

12) Repeal Sections 117403, 117404, 117406, and 117407 of Article 4, Chapter 7, Division 13, of Title 22 of the California Code of Regulations, to read as follows:

[begin strikethrough] Section 117403. Modification of Child Support Orders.

~~(a) Within 20 days of receiving information necessary to conduct a review, and determining that a request for review and adjustment of a support order should be sent to the state that has continuing, exclusive jurisdiction to modify the order, a local child support agency shall request that the other state conduct a review and adjustment of a child support order.~~

~~(b) If there is no state with continuing, exclusive jurisdiction to modify a support order, a local child support agency shall transmit a request for registration and modification by the obligee or obligor to the state where the non-requesting party resides.~~

~~(c) A local child support agency shall proceed with a modification of a child support order even if a party leaves the state while the proceedings are pending, if a motion to modify support has been filed and served, unless both parties agree to terminate the modification proceeding.~~

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections 4910 and 4960-4962, Family Code; and 45 Code of Federal Regulations, Sections 303.7 and 303.8.

~~Section 117404. Modification of Spousal Support Orders.~~

~~Only a tribunal in a state which issued a spousal support order shall have continuing, exclusive jurisdiction to modify the spousal support order. A local child support agency may serve as an initiating state to request the issuing state to enforce or modify a spousal support order.~~

~~Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections 4909 and 4910, Family Code.~~

~~Section 117406. Administrative Enforcement Without Registration.~~

~~A local child support agency shall not request a responding state to register an order if it can be enforced in the responding state through administrative remedies without registration.~~

~~Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections 4915, 4940 and 4946, Family Code.~~

~~Section 117407. Interstate Forms.~~

~~A local child support agency shall complete and send to the responding state the appropriate parts of the Federal Form (OMB NO.: 0970-0085) as specified below when requesting the responding state to:~~

~~(a) Establish paternity and child support.~~

~~(1) Child Support Enforcement Transmittal #1.~~

~~(2) Uniform Support Petition.~~

~~(3) Affidavit in Support of Establishing Paternity.~~

~~(4) General Testimony.~~

~~(b) Establish child support.~~

~~(1) Child Support Enforcement Transmittal #1.~~

~~(2) Uniform Support Petition.~~

~~(3) General Testimony.~~

~~(c) Modify an existing responding state order.~~

~~(1) Child Support Enforcement Transmittal #1.~~

~~(2) General Testimony.~~

~~(d) Modify an existing order that the responding state did not issue.~~

~~(1) Child Support Enforcement Transmittal #1.~~

~~(2) Uniform Support Petition~~

~~(3) General Testimony.~~

~~(4) Registration Statement.~~

~~(e) Enforce an existing responding state order. Child Support Enforcement Transmittal #1.~~

~~(f) Enforce an existing order that the responding state did not issue.~~

~~(1) Child Support Enforcement Transmittal #1.~~

~~(2) Registration Statement.~~

~~(g) Respond to case inquiry or update on a previously referred case. Child Support Enforcement Transmittal #2.~~

~~(h) Provide limited services. Child Support Enforcement Transmittal #3.~~

~~(i) Provide Quick Locate. Locate Data Sheet.~~

~~(j) Acknowledge Receipt of Interstate Requests. Page 3 of the Child Support Enforcement Transmittal #1.~~

~~Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Section 4925, Family Code. [end strikethrough]~~

13) Amend Sections 117500, 117501, and 117503 of Article 5, Chapter 7, Division 13, of Title 22 of the California Code of Regulations, to read as follows:

Section 117500. General Requirements [begin strikethrough] ~~Time Frames.~~ [end strikethrough] [begin underline] and Timeframes as a Responding Jurisdiction. [end underline]

(a) A local child support agency shall [begin underline] comply with all regulations in 45 CFR 303.7. [end underline] [begin strikethrough] ~~provide Title IV-D interstate cases the same services required in Title IV-D intrastate cases including all of the following:~~

~~(1) Establishing paternity and attempting to obtain a judgment for genetic testing costs, should paternity be established.~~

~~(2) Establishing a child support order.~~

~~(3) Processing and enforcing orders using the same remedies applied in Title IV-D intrastate cases.~~

~~(4) Collecting and monitoring support payments and forwarding payments to the location specified by the initiating state's Title IV-D agency.~~

~~(5) Reviewing and modifying child support orders.~~ [end strikethrough]

(b) [begin strikethrough] ~~Within 75 days of receipt of an interstate case from the California Central Registry, the local child support agency shall do all of the following:~~ [end strikethrough] [begin underline] In the case of a direct filing of a proceeding by a nonresident petitioner, California would function as the responding jurisdiction without an initiating tribunal. [end underline]

[begin strikethrough] (1) ~~Provide locate services, if the request is for location services or the case does not include adequate information to locate the obligor and/or the obligor's assets.~~

~~(2) Request additional or corrected documentation from the initiating state's Title IV-D agency if the local child support agency is unable to proceed with the case because the provided documentation is insufficient.~~

~~(3) Process the case to the extent possible pending receipt of the necessary documentation from the initiating state, if the documentation initially received by a local child support agency is insufficient and cannot be remedied without assistance of the initiating state.~~ [end strikethrough]

(c) ~~[begin strikethrough] A local child support agency shall provide notice of any hearings that might result in establishment or modification of an order to the initiating state's Title IV-D agency within 14 business days after notice of the time, date and location of a hearing. [end strikethrough]~~ [begin underline] California is not a cost recovery state. When California is acting as the responding jurisdiction, a local child support agency must track and collect processing fees included in a court order. The lump sum of the amount ordered is collected and forwarded to the initiating jurisdiction. An obligor shall be given full credit for all payments made 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. [end underline]

~~[begin strikethrough](d) If the local child support agency receives a substantive written communication from the party against whom the order is being enforced, or that party's attorney, the local child support agency shall send a copy of that communication to the initiating state within 10 business days of receipt of the communication.~~

~~(e) A local child support agency shall notify an initiating state within 10 business days of receipt of new information by submitting an updated Federal Form OMB No.: 0970-0085.~~

~~(f) A local child support agency shall, to the extent allowed under Section 17402, Family Code, comply with another state's request to establish an order for a prior time period and collect assigned arrears only.~~

~~(g) A local child support agency shall enforce an issuing state's valid orders for accrued arrears, even in cases in which the obligee and child are no longer on public assistance. [end strikethrough]~~

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections ~~[begin strikethrough] 4907, 4919-4921 and 17402 [end strikethrough]~~ [begin underline] 5700.301 [end underline], Family Code; and 45 Code of Federal Regulations, Sections 303.2 and 303.7.

Section 117501. Paternity [begin underline] as a Responding Jurisdiction [end underline].

(a) When California is the responding jurisdiction and genetic tests are requested to establish paternity, a local child support agency shall [repeal colon
Intergovernmental Regulations Amendments- Proposed Text Page 41 of 59
California Department of Child Support Services

and begin underline] select the laboratory and provide the laboratory with sufficient information to schedule the genetic testing for the mother, child, and alleged father. [end underline]

[begin strikethrough] (1) ~~Select the laboratory and provide the laboratory with sufficient information to schedule the genetic testing for the mother, child, and alleged father.~~

(2) ~~Notify the initiating state of the genetic testing costs and request payment.~~

(3) ~~Attempt to secure a judgment against the noncustodial parent to recover the costs of genetic testing.~~

(4) ~~Reimburse the initiating state for costs of genetic testing, if the costs are recovered by a local child support agency.~~ [end strikethrough]

(b) A local child support agency shall give full faith and credit to another state's [begin underline] or foreign country's [end underline] judgment of parentage and shall not order genetic tests unless the judgment is vacated in the [begin strikethrough] ~~issuing~~ [end strikethrough] state [begin underline] or foreign country that issued the order, or found to be unenforceable in this state [end underline].

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Section [begin strikethrough] ~~4905~~ [end strikethrough] [begin underline] 5700.201 [end underline] and 5604, Family Code; and 45 Code of Federal Regulations, Section 303.7.

Section 117503. Registration of [begin strikethrough] ~~Foreign~~ [end strikethrough] Orders.

(a) A local child support agency shall request an initiating state [begin underline] or foreign country [end underline] to provide certified copies of all orders to be registered, when the initiating state [begin underline] or foreign country [end underline] requests registration of an [amended the previous word a to an, and begin strikethrough] ~~foreign~~ [end strikethrough] order for enforcement and/or modification.

(b) ~~[begin strikethrough] A local child support agency shall register a support order or income withholding order if the following documents are received from the appropriate tribunal of the state requesting registration of the order. [end strikethrough]~~ [begin underline] Where California is acting as the responding jurisdiction to a state as defined by UIFSA, a local child support agency is not required to register an order if it can be enforced in this state through administrative remedies without registration. An order issued outside the United States must be registered in this state prior to enforcement by a local child support agency. [end underline]

~~[begin strikethrough] (1) A letter of transmittal requesting registration and enforcement.~~

~~(2) One certified copy of all orders to be registered, including any modification of an order.~~

~~(3) A signed and notarized statement, sworn under penalty of perjury by the party seeking registration, or a certified statement by the custodian of the records, showing the amount of any arrearage.~~

~~(4) The name and address of the obligee and the agency to which support payments are to be remitted.~~

~~(5) The name of the obligor and if known, the obligor's address, social security number, employer and employer's address, other sources of income and a description and location of the obligor's property in California that is not exempt from execution.~~

(c) ~~An order registered for enforcement shall be enforceable on the date of registration. The local child support agency shall enforce the order as of the effective date of registration. [end strikethrough]~~ [begin underline] Where an order is issued in a country that does not qualify as a foreign country pursuant to Family Code section 5700.102(5), a local child support agency may seek recognition and enforcement of the order in this state based on comity. [end underline]

~~[begin strikethrough] (d) If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the local child support agency shall register the order. [end strikethrough]~~

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections ~~[begin strikethrough] 4946 and 4950-4954 [end strikethrough]~~ [begin underline] 5700.102, 5700.104, 5700.507, and 5700.601-5700.605 [end underline], Family Code.

14) Repeal Sections 117502 and 117504 of Article 5, Chapter 7, Division 13, of Title 22 of the California Code of Regulations, to read as follows:

~~[begin strikethrough] Section 117502. Transferring Interstate Cases.~~

~~(a) When California is the responding state, a local child support agency shall, within 10 business days of locating a noncustodial parent's residence in a different county within California, take all of the following actions using the Federal Forms specified in Section 117407 and California Rules of Court, Rule 1298.60:~~

~~(1) Transfer the case in accordance with Family Code, Section 5001.~~

~~(2) Notify the initiating state of the transfer and provide the initiating state with the new location information.~~

~~(3) Notify the California Central Registry of the case transfer.~~

~~(b) Within 10 business days of locating a noncustodial parent in a different state, a local child support agency shall take all of the following actions using the Federal Forms specified in Section 117407:~~

~~(1) Notify the initiating state of the noncustodial parent's new location.~~

~~(2) Return the form and documentation, including the new location, to the initiating state, or, if directed by the initiating state, forward the case documentation to the central registry in the state where the noncustodial parent has been located.~~

~~(3) Notify the California Central Registry of the case transfer.~~

~~Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Section 5001, Family Code; and 45 Code of Federal Regulations, Section 303.7.~~

~~Section 117504. Modification of Child Support Orders.~~

~~(a) If a California tribunal modifies an order consistent with the provisions of Section 117300, a local child support agency shall send certified copies of the modified order to all tribunals in which orders have been entered or registered, and to all Title IV-D agencies and parties to the case.~~

~~(b) If an obligor or obligee requests a review and adjustment of an order and California is not the state with continuing, exclusive jurisdiction, a local child support agency shall transmit the request to the state with continuing, exclusive jurisdiction.~~

~~(c) If no state has continuing, exclusive jurisdiction, a local child support agency shall transmit the request to the state where the non-requesting party resides for registration and modification.~~

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections 4909, 4910, 4960, 4962 and 4963, Family Code. [end strikethrough]

15) Amend Article 6, in Chapter 7, Division 13, of Title 22 of the California Code of Regulations, to read as follows:

Article 6. Limited [begin strikethrough] ~~Interstate~~ [end strikethrough] [begin underline] Intergovernmental [end underline] Services.

16) Amend Section 117600 of Article 6, Chapter 7, Division 13, of Title 22 of the California Code of Regulations, to read as follows:

Section 117600. [begin strikethrough] ~~Local Child Support Agency Responsibilities.~~ [end strikethrough] [begin underline] Limited Intergovernmental Services. [end underline]

A local child support agency that receives a request for limited [begin strikethrough] ~~interstate~~ [end strikethrough] [begin underline] intergovernmental [end underline] services shall not open a Title IV-D case, but shall provide only the limited services requested on Federal Form OMB NO.: 0970-0085. Limited [begin strikethrough] ~~interstate~~ [end strikethrough] [begin underline] intergovernmental [end underline] services include, but are not limited to, the following:

(a) Providing copies of documentation such as certified copies of orders, payment records, financial statements, or any other documentation described under “other” on Federal Form OMB NO: 0970-0085.

(b) Providing assistance with service of process by providing information about agencies or process servers in the state.

(c) Providing assistance with genetic testing by providing information such as names of genetic testing laboratories and protocols to be followed.

(d) Obtaining answers for completing interrogatories.

(e) Providing assistance with long-distance testimony by telephone and, when available, video conferencing.

(f) Obtaining financial data/proof of respondent's income.

(g) Obtaining party's signature.

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections [begin strikethrough] 4930-4932 [end strikethrough] [begin underline] 5700.316-5700.319 [end underline], Family Code.

17) Adopt Article 7, in Chapter 7, Division 13, of Title 22 of the California Code of Regulations, to read as follows:

[begin underline] Article 7. Convention Proceedings. [end underline]

18) Adopt Section 117700 to new Article 7, in Chapter 7, Division 13, of Title 22 of the California Code of Regulations, to read as follows:

[begin underline] Section 117700. General Requirements for Convention Support Proceedings. [end underline]

(a) In the management of all Convention support cases, the Department of Child Support Services and local child support agencies shall comply with all requirements set forth by the Hague Convention.

(b) Convention records sent electronically, including but not limited to a request for establishment or recognition of a Convention support order, sent to California

electronically shall be treated as original records, and may be filed in a tribunal of this State without further requirement for original signature.

Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections 5700.102, 5700.316, and 5700.701-5700.713, Family Code. [end underline]

19) Amend Section 118203 to Article 2, in Chapter 8, Division 13 of Title 22 of the California Code of Regulations, to read as follows:

Section 118203. Requirements for Case Closure.

(a) Each local child support agency shall establish and use a system for closing Title IV-D cases and shall close any case when it meets at least one of the following case closure criteria:

(1) There is no longer a current support order and no arrearage payments were made in the preceding twelve consecutive months, and assigned and unassigned arrears total less than \$500 or arrears are unenforceable under state law. Situations to which this criterion apply include, but are not limited to, the following:

(A) Reconciliation of the family.

(B) The death of a child for whom support is owed.

(C) Paternity is established and is the only Title IV-D service needed because both parents in a Title IV-A grant are living together.

(D) A child for whom support is sought dies before paternity can be established.

(E) Cases with medical support orders with specific dollar amounts and arrears which accrue under such orders.

(F) Emancipation of the youngest child.

(2) The noncustodial parent or alleged father is deceased and no further action can be taken, including a levy against the estate. The local child support agency shall:

(A) Verify the death of the noncustodial parent or alleged father.

(B) Document that attempts to identify assets in the estate that could be levied against were unsuccessful. The closure notice required by subsection (b) below, shall include information about possible Social Security Administration death benefits pursuant to subsection (b)(3)(C).

(3) Paternity cannot be established because of one of the following:

(A) The youngest child requiring paternity establishment has reached 18 years of age and there is no pending judicial action to establish the child's paternity.

(B) A genetic test, or court, or administrative process has excluded the alleged father and the custodial party has attested under penalty of perjury that he or she does not know the identity of other individuals who could be the father.

(C) A local child support agency, in conjunction with the county welfare department, determines that the child's best interest will not be served by establishing paternity in a case involving incest or forcible rape, or a case where legal proceedings for adoption are pending.

(D) Either the first or the last name of the biological father is unknown and cannot be identified after diligent efforts, including at least one face-to-face interview by the local child support agency with the custodial party. For the purpose of this subparagraph "diligent efforts" means acting on leads the custodial party may provide that could help identify and locate the biological father, such as a last known address or employer. The interview required in this subparagraph may be conducted by telephone when the custodial party would have to travel at least 60 miles, or take time from work to be interviewed face-to-face, or is disabled, or lacks transportation.

(E) The child was conceived as the result of artificial insemination of a woman other than the donor's wife, and the husband of the woman, if any, did not consent to the insemination.

(4) The noncustodial parent's or alleged father's residence, employment address, earnings and assets are unknown and the local child support agency has made diligent but unsuccessful quarterly attempts using all locate sources, pursuant to Section 113100, to locate the noncustodial parent or alleged father and his/her earnings or assets. Such efforts shall be made over a three-year period when there is sufficient information to initiate an automated locate effort, or over a one-year period when there is insufficient information to initiate an automated locate effort.

(A) For the purpose of this subparagraph, "sufficient information" means the first and last name and date of birth, and/or Social Security Number of the noncustodial parent or alleged father.

(B) For the purpose of this subparagraph, "diligent" means a local child support agency has done both of the following:

1. For the one-year period, contacted the custodial party at least once to ask for information which might serve to further identify and locate the noncustodial parent or alleged father.
2. Made every reasonable effort to obtain the missing or incomplete Social Security Number of the noncustodial parent or alleged father using all appropriate sources including, but not limited to, the California Parent Locator Service, the Department of Motor Vehicles, the Social Security Administration, and the Federal Parent Locator Service.

(5) The local child support agency determines that the noncustodial parent has no earnings or assets which could be levied or attached for support and the noncustodial parent cannot pay support for the duration of the child's minority for any of the following reasons:

(A) The noncustodial parent is institutionalized in a psychiatric facility.

(B) The noncustodial parent is incarcerated with no chance of parole.

(C) The noncustodial parent has a medically verified total and permanent disability with no evidence of support potential.

(D) The noncustodial parent receives SSI/SSP and has no other attachable income or assets.

(6) The noncustodial parent lives in a foreign country.

(A) The noncustodial parent resides in a country other than Mexico and all of the following apply:

1. The noncustodial parent is a citizen of that country.
2. The noncustodial parent does not work for the United States government or a company which has its headquarters or offices in the United States.
3. The noncustodial parent has no reachable domestic earnings or assets.
4. California does not have reciprocity with the country.

(B) The noncustodial parent resides in Mexico and in addition to the criteria specified in (A)1. through 3. above, the case is a California-initiated request for reciprocal child support services with Mexico, and at least one of the following apply:

1. Paternity is at issue and either California does not have the basis to establish paternity using long-arm jurisdiction, specified in Section ~~4905~~ 5700.201, Family Code, or use of long-arm jurisdiction to establish paternity is appropriate and has been attempted but the local child support agency is unable to establish paternity.
2. The noncustodial parent's location is not known.
3. The noncustodial parent is not known to be working, or the local child support agency is unable to determine the noncustodial parent's employer.
4. The local child support agency cannot be provided with a photograph of the noncustodial parent.

5. The only issue in the case is retroactive support for past public assistance paid.

(7) A local child support agency has provided non-Title IV-D location-only services, pursuant to Section 113200, as requested by the custodial party, legal guardian, attorney, or agent, of a child who is not receiving public assistance, whether or not such services were successful.

(8) A recipient of services who is currently not receiving public assistance under Title IV-A, requests closure of a case and there is no assignment for medical support and no assigned arrears.

(9) The court determines it would be inappropriate to establish a child support order for a case in which retroactive child support for past assistance paid is the only issue.

(10) There has been a finding of good cause, as specified in Section 11477.04, or Section 14008.6, Welfare and Institutions Code, or other exceptions to cooperation with the local child support agency, and the State or county welfare department has determined that support enforcement may not proceed without risk of harm to the child or caretaker.

(11) Except as specified in subparagraph (C), a local child support agency is unable to contact a non-Title IV-A recipient of services over a 60-day period after having made at least one attempt to contact the recipient of services by telephone, sending a letter by first-class mail to the last known address of the recipient of services, and after using the Department of Motor Vehicles and other locate sources to locate the recipient of services.

(A) The 60-day period shall commence with the date that the contact letter is mailed to the last known address of the recipient of services.

(B) A local child support agency shall not mail the case closure letter required by subsection (b), below, until 60 days have elapsed from the date the contact letter was mailed to the recipient of services; and until all responses from queried locate sources have

been received indicating no new information is available that would allow the case to remain open.

(C) When the recipient of services is a custodial party and a local child support agency has a child support collection that needs to be distributed to that custodial party, the local child support agency shall attempt to locate the custodial party for six months, pursuant to Section 113100(g), before the case qualifies for closure under this criterion.

(D) A Medically Needy Only recipient's case shall not be closed under this closure criterion. A local child support agency shall contact the county welfare department for assistance in locating the recipient of services.

(12) A non-Title IV-A recipient of services, except a Medically Needy Only recipient, is uncooperative and an action by the recipient of services is essential for the next step in providing Title IV-D services. A local child support agency shall explain the incident of the noncooperation to the recipient of services in writing and warn the recipient of services that further noncooperation may result in case closure, and shall document circumstances of noncooperation in the case record. Noncooperation shall include any action or inaction by the recipient of services which is essential for the next step in providing Title IV-D services such as:

(A) Continuing to accept direct child support payments.

(B) Failing to attend hearings.

(C) Refusing to sign forms.

(D) Refusing to report private attorney actions.

(13) A recipient of services has moved to another county or state and both, subparagraphs (A) and (B) apply:

(A) The recipient of services applied for services in the other county or state.

(B) The local child support agency documents in the case record that contact was made with the other county or state to confirm that the recipient of services has applied for services in the other county or state; and, in the case of an inter-county transfer, to confirm that the case, with its support order and arrears, has been transferred.

(C) Notwithstanding subparagraphs (A) and (B), above, if there are assigned arrears, a case shall not be closed under this closure criterion until one of the following occurs:

1. The assigned arrears are collected.
2. The case is closed under another closure criterion.
3. Responsibility for collecting the assigned arrears is transferred to another county or state.

(14) A local child support agency documents failure by an initiating state in an [~~begin strikethrough~~ interstate [~~end strikethrough~~] [begin underline] intergovernmental [end underline] case to take an action which is essential for the next step in providing Title IV-D services.

(A) If California is the responding state and a local child support agency needs additional information to process an [~~begin strikethrough~~ interstate [~~end strikethrough~~] [begin underline] intergovernmental [end underline] case, that local child support agency shall send to the initiating state a notice requesting the initiating state to provide the information within 30 days, or provide a response within 30 days as to when the information shall be provided.

1. If the information or notice of when information will be provided is not received by the local child support agency after 30 days from mailing the request specified in subparagraph (A) above, the local child support agency shall notify the initiating state that the case will be closed in 60 days.

2. The local child support agency shall also send a copy of the closure notification to the initiating state's central registry with a notation requesting any assistance the central registry can provide the initiating state's Title IV-D agency in obtaining information necessary to keep the case open.

(B) When the initiating state requests case closure and does not provide the case closure criterion, or provides a case closure criterion that is inconsistent with subparagraphs (1) through (13) and (15), the local child support agency shall send the initiating state a written notice of intent to close the case in 60 days, unless the initiating state provides a case closure criterion that is consistent with subparagraphs (1) through (13) and (15).

(C) The case shall be closed after 60 days have elapsed from the date of mailing the closure notice specified in subparagraph (A)1. and (B) above, if the initiating state does not provide the information needed to process the [begin strikethrough] interstate [end strikethrough] [begin underline] intergovernmental [end underline] case or a response stating when the information will be provided.

(15) A Title IV-D case is erroneously opened and both of the following apply:

(A) No Title IV-D services can be appropriately provided for the case.

(B) There is clear and complete documentation in the case file explaining why the case was erroneously opened and why no Title IV-D services can be provided.

(b) A local child support agency shall notify the recipient of services in writing when closing a case pursuant to subsections (a)(1) through (6) and (11) through (14), above, of the local child support agency's intent to close the case.

(1) Written notice shall not be provided for cases closed pursuant to subsections (a)(7), (8), (9), (10) or (15), above.

(2) Written notice of case closure shall be mailed to the last known address of a recipient of services 60 days prior to closing a case. When the only address for a recipient of services is a Title IV-A agency, a local child support agency shall send the closure notice to that Title IV-A agency's address.

(3) A notice of intent to close the case shall, at a minimum, include the following information:

(A) The reason the case is being closed.

(B) The circumstances under which the case will be reopened, such as receipt of new information regarding the location of the noncustodial parent's or alleged father's residence or earnings or assets, as specified in subsection (c), below.

(C) Whom to contact to apply for possible Social Security death benefits for cases closed for the reasons specified in subsection (a)(2), above.

(4) When a case qualifies for closure pursuant to subsection (a)(1) because the parents have reconciled and the reconciliation makes the family ineligible for public assistance, and there are no arrears assigned to the state that are eligible for enforcement, a local child support agency shall mail a case closure notice to both the custodial party and noncustodial parent. The notice shall state both of the following:

(A) The case is being closed because the family has reconciled.

(B) Title IV-D service shall be terminated.

(5) A case shall remain open if:

(A) A recipient of services responds to a closure notice with information that could lead to the establishment of paternity or a support order or enforcement of an order; or

(B) Contact is re-established with a recipient of services within the timeframes specified in subsection (a)(11).

(c) The local child support agency shall reopen a case that has been closed when a non-Title IV-A former recipient of services requests that the case be reopened and can provide information that could lead to the establishment of paternity or a support order or enforcement of an order. When a non-Title IV-A former recipient of services requests resumption of Title IV-D services, the recipient of services shall complete a new application package [begin strikethrough] pursuant to Section 112100(b)(2) [end strikethrough].

(d) Closed Title IV-D case records shall be retained for a minimum of four years and four months from the date of closure, unless otherwise specified, and summary criminal history information shall be disposed of, in accordance with record disposal requirements specified in Section 111460.

(e) When a local child support agency closes a case, it shall evaluate the case to determine whether it is appropriate to release, remove, rescind or terminate establishment and enforcement actions initiated against the obligor.

(1) A local child support agency shall release, remove, rescind or terminate all establishment and enforcement actions, when an obligor never had or no longer has a current child support or a medical support obligation, and no arrearage exists.

(2) For purposes of subparagraph (1) above, release, removal, rescission or termination of establishment and enforcement actions includes, but is not limited to, the following:

(A) Dismissal of Summons and Complaints without prejudice. A Summons and Complaint may be dismissed only when a judgment for support has not been entered; or, when a judgment for support has been entered and the court has entered an order to set aside or vacate the judgment.

(B) Termination of income withholding orders and National Medical Support Notices. When the criteria set forth in subparagraph (1) above, are satisfied, such orders shall be terminated under any of the following circumstances, unless the court order specifies alternative termination provisions:

1. The child reaches the age of 18, or, if the child continues to be a full-time high school student, is unmarried, and is not self-

supporting, then at the time the child completes the 12th grade or reaches the age of 19, whichever occurs first.

2. The child for whom child support is ordered has legally emancipated.

3. The child for whom child support is ordered has died.

(C) Removal of an obligor's name and social security number from all State and federal intercepts.

(D) Release of personal and real property liens.

(3) If a local child support agency closes a case when the obligor continues to have a current child support or medical support obligation or unassigned arrears exist pursuant to subparagraph (8) of subsection (a), the local child support agency shall release, remove, rescind or terminate establishment or enforcement actions as appropriate. For purposes of this subparagraph, release, removal, rescission or termination of establishment and enforcement actions includes, but is not limited to, the following:

(A) Removal of obligor's name and Social Security Number from all State and federal intercepts.

(B) Substitution of payee on income withholding and medical support order. The local child support agency shall substitute the obligee as the payee on any income withholding and medical support orders.

(C) Substitution of payee on real property lien. The local child support agency shall file and record a substitution of payee in each county in which a judgment or abstract of judgment has previously been recorded.

(D) Substitution of payee on notice of child support lien or lien against personal property lien. The local child support agency shall file a substitution of payee with the Secretary of State for any notice of child support lien previously filed pursuant to Section 17523, Family Code.

(4) When a recipient of services has a family violence indicator, a local child support agency shall obtain from a recipient of services a substitute address, when necessary for releasing, removing, rescinding or terminating establishment and enforcement actions and shall not disclose the whereabouts of the recipient of services and the affected child(ren) unless ordered to do so by a court of competent jurisdiction after proper notice and hearing.

Note: Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections 4506.2, 5237, 7613, 17502, 17523 and 17531, Family Code; and 45 Code of Federal Regulations, Sections 302.35, 303.3 and 303.11.

20) Repeal Sections 12-101.3(c)(1) and 12-101.3(q)(1). Amend 12-101.3(i), and the authority and reference citations in 12-101 of the Manual of Policies and Procedures Chapter 12-100 Child Support Enforcement Components and Standards, to read as follows:

12-101.3(c) [begin strikethrough] ~~(1) "California Central Registry" means the California Central Registry within the State Department of Justice which operates as a clearinghouse for incoming interstate child support cases.~~ [end strikethrough]

12-101.3(i) "Interstate case" [begin strikethrough] ~~means any case involving California and any other jurisdiction which has adopted the Uniform Reciprocal Enforcement of Support Act provisions.~~ [end strikethrough] [begin underline] is defined by 22 CCR 110466. [end underline]

12-101.3(q) [begin strikethrough] ~~(1) "Quick Locate" means a direct informal request for locate services from one state parent locator service to another state's parent locator service, rather than an official request for locate services from one state parent locator service to another state's Central Registry using interstate referral Form FSA 200, Child Support Enforcement Transmittal (Rev. 1/91).~~ [end strikethrough]

NOTE: Authority cited: Sections 17310 and 17312, Family Code. Reference: Section 11457, Welfare and Institutions Code; Sections [amended the word Sections to Section] 259 [begin strikethrough] ~~and 640.1~~ [end strikethrough], Code of Civil Procedures; Sections 155, 17310, and 17312, Family Code; 45 CFR 302.51(a); 45 CFR 303.7(a) [begin strikethrough] ~~(7)(iv)~~ [end strikethrough]; 45

CFR 303.101(a) and (b)(2)(i) and (iv); 45 CFR 302.51 and .52; 45 CFR 232.11; Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193), Sections 454B(c)(1) and (d) [42 U.S.C. 654B(c)(1) and (d)] and Sections 457(a) and (f) [42 U.S.C. 657(a) and ~~(f)~~ (e)]; Office of Child Support Enforcement Action Transmittal 97-13, Section K - Question 70; and Office of Child Support Action Transmittal 97-17, Sections III and VIII, and Questions 9 and 21.

21) Repeal Sections 12-701(i)(4), 12-701(r)(1) and 12-701 (r)(2). Amend authority and reference citations in 12-701 of the Manual of Policies and Procedures Chapter 12-700 Franchise Tax Board (FTB) and Financial Management Services (FMS) Tax Refund Intercept Regulations, to read as follows:

12-701(i) ~~(4) Interstate Cases—means those cases in which another state is involved in the tax intercept either as the submitting state or the state where the child support order was issued.~~ [end strikethrough]

12-701(r) ~~(1) Registration—means a procedure set up by state law to adopt a judgment of a foreign jurisdiction as if it were from a California court. This procedure is used to enforce the foreign judgment in California.~~ [end strikethrough]

12-701(r) ~~(2) Responding State—means a state receiving and acting on an interstate child support case.~~ [end strikethrough]

Authority cited: Sections ~~17302 and 17400~~ 17306, 17310 and 17312 [end underline], Family Code. Reference: Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193) Sections 103 [42 U.S.C. 401(a)] and 321 [42 U.S.C. 666]; Section 17400, Family Code; Section ~~4900 et seq.~~ 5700.101 et seq. [end underline] Family Code; Office of Child Support Enforcement Action Transmittal ~~98-17~~ 10-04 [end underline], Sections I. and II.; and 20 CFR 404.1505.

Standardized Letter Format

We are responding to your request for help in locating a non-custodial parent. It is very important that you give us as much information as possible to help us locate him/her. Please give as much of the requested information as possible.

1. NONCUSTODIAL PARENT'S NAME:

The noncustodial parent's name is needed for all requests. We are unable to process your request without the name of the noncustodial parent.

2. SOCIAL SECURITY NUMBER AND DATE OF BIRTH:

The noncustodial parent's Social Security Number and date of birth are very important. If you have this information, please include it on your request.

3. MILITARY SERVICE:

If the noncustodial parent has served in the military, please give us as much information as you can about his/her military service.

4. FEDERAL COMPENSATION BENEFITS:

If you know that the noncustodial parent is receiving federal compensation or benefits, or has received them in the past, please give us as much information as you can about the benefits.

5. ADDITIONAL INFORMATION:

Please give us any other information that you think may help in locating the noncustodial parent. (Some examples are: Last known address, physical description, and driver license number.)

Please visit your local Child Support Office to provide the above information. If you have any further questions or need the address of the local office please call us at [PHONE_CSSC]. Please allow at least 120 days for a response to your request.

APPLICATION FOR NON TITLE IV-D LOCATE SERVICES
 (Request for Information Pursuant to 45 CFR 302.35(c)(3))
 DCSS 0073 (09/01/05)

INFORMATION ABOUT THE NONCUSTODIAL PARENT

Name (Last, First, Middle): (If Known)		Birthplace (City):	State:
ALIASES		PHYSICAL DESCRIPTIONS	
Name (Last, First, Middle): (If Known)		Ethnicity:	Sex:
IDENTIFYING INFORMATION			
Social Security Number: (If Known)	Driver License Number:	Criminal Identification Information (CII) Number:	
Military: <input type="checkbox"/> Yes <input type="checkbox"/> No	Veteran's Benefits: <input type="checkbox"/> Yes <input type="checkbox"/> No	Federal Employment (If Known): <input type="checkbox"/> Yes <input type="checkbox"/> No	Effective Date:
Last Known Address (Street):		City:	State: Zip Code:

APPLICANT DATA

Applicant Name (Last, First, Middle):	Mailing Address:	Contact Telephone (Include Area Code):
Relation to Child(ren):	Representing (Client):	

PRIVACY STATEMENT

The Information Practices Act of 1997 (California Civil Code Section 1798.17) and the Federal Privacy Act of 1974 (Public Law 93-579) require this notice be provided when collecting personal information from individuals. Information requested on this form, including Social Security Number, is used by the Department of Child Support Services (DCSS) for purposes of identification and communication with you. The DCSS is required, under Section 466(a)(13) of the Social Security Act, to collect the Social Security Number of any individual who is subject to a divorce decree, support order, or paternity determination or acknowledgement.

Social Security Number information is mandatory and will be kept on file at the local child support agency to locate and identify individuals and assets for the purpose of establishing, modifying, and enforcing child support obligations. Enrolling a child in health insurance may require the release of the child's Social Security Number and mailing address to the other parent's employer or the release of the child's Social Security Number to the other parent.

The information in your case may be discussed with or given to the State, other agencies that can legally receive such information, and to the other parent or his/her attorney to the extent required by law.

CERTIFICATION

I certify under penalty of perjury of the laws of the State of California that this information is required for the purpose of establishing parentage or setting the amount of, modifying, or enforcing child support obligations, or for determining parental rights with respect to a child, in accordance with Title 42 of the United States Code Section 653(a)(3) and 663(d)(1) for enforcing a Federal or State law with respect to the unlawful taking or restrains of a child, or enforcing a child custody or visitation determination.

PRINT NAME	SIGNATURE	DATE
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AFFIDAVIT OF NON-DISCLOSURE

DCSS 0722 (11/15/2016)

INSTRUCTIONS: *If family violence is a concern, and you want to ensure that your information is not shared with the other state without an order to do so, complete and return this form to your local child support agency (LCSA). If you fail to complete and return this form, the LCSA will provide your address and other information to the other state. The LCSA, the California Department of Child Support Services, or the federal government may give information that could identify your location to courts, child support agencies, and possibly to the child(ren)'s other parent or party.*

Your Name: _____ Case Number: _____

Other party's name: _____

If you have a restraining order, emergency protective order or stay away order against the other party in this child support case, please provide the information below. A restraining order is not needed to request nondisclosure.

Please attach a copy of the order and provide the following information:

County/State: _____ Order/Docket Number: _____

Expiration Date: _____

Giving out my address or other information identifying my location could be harmful to the health, safety, or liberty, to me or the child(ren) in this case. I am requesting that my address or other identifying information not be given to the other party in this case. This request will stay in effect until I let the LCSA know **in writing** that they may now give out my information, and the LCSA acknowledges that they have received my authorization. I understand that under federal law, an authorized person may make a written request to the court that has jurisdiction to make or enforce child support or visitation orders, for release of my information. The LCSA will let me know in writing if the court orders the release of any information on my case.

All of the information and facts contained in this Affidavit in Support of Nondisclosure are true and correct to my best knowledge and belief.

Date

Petitioner (Name/Title)

Signature

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

Sworn to and Signed before me
this Date, County and State

Notary Public/Official and Title

Commission Expires

If you have any questions or concerns regarding this notice, please call us at (866) 901-3212.