

TITLE 22/MPP. CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

Subject Matter of Proposed Regulations: *Intergovernmental Cases*

NOTICE IS HEREBY GIVEN that California Department of Child Support Services (Department) is proposing to take the action described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Persons in this Notice, must be received by the Department at its office no later than **March 28, 2022**, or must be received by the Department at the hearing, should one be scheduled. When commenting, please indicate the proposed rulemaking action to which your comment refers.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 17306, 17310, and 17312 of the Family Code (FC), and to implement, interpret or make specific sections 5206, 5216, 5246, 5604, 5700.101 et seq., and 17212 of said Code; 45 Code of Federal Regulations sections 301.1, 303.2 and 303.7; Welfare and Institutions Code section 1147.8; Code of Civil Procedure section 706.011(a); and 28 United States Code, section 1738B.

SUMMARY OF EXISTING LAWS AND EFFECT OF THE PROPOSED ACTION

In 2014 Congress enacted Public Law 113-183, the Preventing Sex Trafficking and Strengthening Families Act, which amended the Social Security Act to ensure access to IV-D services for international cases. It also required states, as a

condition of receiving federal funds, to enact the Uniform Interstate Family Support Act (UIFSA 2008) as “officially adopted as of September 30, 2008 by the National Conference of Commissioners on Uniform State Laws.” UIFSA 2008 added international provisions to be consistent with the 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, a treaty the United States became a party of. This treaty was ratified by the United States on August 31, 2016, and the effective date in the United States was January 1, 2017.

In 2015 the California legislature enacted Senate Bill (SB) 646 (Jackson, Chapter 493, Statutes of 2015), which repealed Chapter 6 (commencing with section 4900) of FC to remove codified versions of UIFSA 1996 and UIFSA 2001. SB 646 added sections 5700.101-5700.905 to the FC to codify UIFSA 2008 provisions as required by Public Law 113-183.

These proposed regulations aim to conform to SB 646 (Jackson, Chapter 493, Statutes of 2015), codified in FC sections 5700.101 et. seq., and to clarify policies for intergovernmental child support cases. Existing intergovernmental regulations are in chapter 7, division 13, title 22 of the California Code of Regulations (CCR) and terms are defined in chapter 1, division 13, title 22 of the CCR. The proposed regulations do the following: define new terms and repeal terms which are already defined in governing statutes; clarify the ruling jurisdiction in intergovernmental cases; specify intergovernmental forms; define requirements for long arm jurisdiction; clarify continuing, exclusive jurisdiction determinations; define duration of support; clarify interest calculation on arrears; explain reconciling multiple support orders; define limited intergovernmental services; clarify general requirements, timeframes, and paternity as an initiating or responding jurisdiction; define disclosure of information requirements; clarify direct income withholding orders; and specify registration of support orders.

These proposed regulations are necessary to implement state and federal law for the administration of both the state and federal child support program.

ANTICIPATED BENEFITS OF PROPOSAL

This regulatory action will benefit custodial parties in child support cases because it will increase the collection of payments for interstate and international child support cases. This will be accomplished by clarifying the requirements related to handling intergovernmental cases and to the

continuing, exclusive jurisdiction of these cases. This regulatory action will increase the protection, health, and safety of families and children by clarifying disclosure requirements for intergovernmental cases.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing these regulations and amendments, the Department has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state and federal regulations.

UPDATED FORMS PREVIOUSLY CITED AND INCORPORATED BY REFERENCE

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

FISCAL IMPACT ESTIMATES

The Department has made the following initial determinations:

Fiscal Impact on Public Agencies, Including Costs or Savings to State Agencies: None.

Cost or Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Mandate on Local Agencies and School Districts: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement: None.

Business Impact: The Department has made the initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination was made based on state and federal statutes that established the child support program. The proposed regulatory action does not have an effect on any businesses.

Cost Impact on Representative Private Person or Business: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Department has made an initial determination that the proposed regulatory action would have no effect on small businesses. This initial determination was made based on state and federal statutes that established the federal and nonfederal child support programs.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation

These amendments will benefit the health and welfare of California residents, specifically, custodial parties of child support cases because they will increase the collection of payments for intergovernmental child support cases. This will be accomplished by clarifying the requirements related to handling intergovernmental cases and the jurisdiction of these cases. Also, this regulatory action will increase the protection, health, and safety of families and children by clarifying disclosure requirements for intergovernmental cases.

The proposed regulations will not have any effect on worker safety or the state's environment.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private

persons than the proposal described In this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department invites any interested persons to present statements or arguments in writing with respect to alternatives to the proposed regulations during the written comment period, or if scheduled, orally and/or in writing during a requested public hearing.

AVAILABILITY OF THE INTIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Department will make the entire rulemaking file available for inspection and copying throughout the rulemaking process at the Department's office location. As of the date this notice is published in the Notice Register, the rulemaking file consists of the Notice of Proposed Action, the proposed text of the regulations, the Initial Statement of Reasons, the STD. 399, and the supportive factual documents. Please direct requests to inspect or copy the rulemaking file to Susan Sirk at the information listed below in Contact Persons as appointments are required to visit the Department's office. Copies of the Initial Statement of Reasons and proposed text of the regulations may also be accessed from the Department's website at childsupport.ca.gov/regulations.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all relevant and timely comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Susan Sirk at the information listed below in Contact Persons. The Department will accept any written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Department will make copies of the Final Statement of Reasons available. Please direct requests for copies to Susan Sirk at the

information listed below in Contact Persons or by accessing the website listed below.

CONTACT PERSONS

Any inquiries or comments regarding this proposed rulemaking action to amend, repeal, and adopt regulations for Intergovernmental Cases may be addressed to:

Name: Susan Sirk
Telephone: 916-464-6652
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Email Address: susan.sirk@dcss.ca.gov
Postal Address: Dept. of Child Support Services
Policy, Program, & Statewide Training Branch
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The backup contact person is:

Name: Andrew Enriques
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WEBSITE ACCESS

Materials regarding this proposal can be found on the Department's website at childsupport.ca.gov/regulations.