

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

P.O. Box 419064, Rancho Cordova, CA 95741-9064



July 12, 2022

CSSP LETTER: 22-01

ALL IV-D DIRECTORS
 ALL COUNTY ADMINISTRATIVE OFFICERS
 ALL BOARDS OF SUPERVISORS

Reason for this Transmittal

- State Law, Regulation and/or Change
- Federal Law, Regulation Change
- Court Order or Settlement Change
- Clarification requested by One or More Counties
- Initiated by DCSS

SUBJECT: CHILD SUPPORT SERVICES FOR SB 380 OPT-IN CHILDREN

REFERENCE: Senate Bill (SB) 380 (Chapter 729, Statutes of 2017); Welfare and Institutions Code (WIC) sections 11450, 11450.17, 11477; Family Code (FC) sections 4004, 4065, 17504; Title 22 California Code of Regulations (CCR) sections 112150, 112200, 118203; Child Support Services Informational (CSSI) Letter 18-05, California Department of Social Services (CDSS) All County Letter (ACL) 18-82, ACL 20-109, ACL 20-115 and ACL 21-87.

PURPOSE: The purpose of this letter is to communicate statewide policy to local child support agencies (LCSAs) regarding case establishment and child support services provided for SB 380 (Opt-In) children (defined below). After receiving requests for policy clarification on cases including Opt-In children from LCSAs and following the issuance of ACL 21-87 from CDSS, the Department of Child Support Services has conducted a thorough review and is establishing the following policy.

POLICY: LCSAs must provide full Title IV-D services for Opt-In children referred by the Title IV-A agency, as they are considered assisted under the California Work Opportunity and Responsibility to Kids (CalWORKs) program. Collected SB 380 child support payments will be allocated to the family and must continue to be sent to the Assistance Unit.

BACKGROUND: As provided in WIC section 11450.17, beginning November 1, 2018, CalWORKs recipients have the option to receive full child support payments for certain eligible children in lieu of cash aid while exempting those payments from consideration in determining eligibility or grant amounts under the CalWORKs program, as described in CSSI Letter 18-05 and ACL 20-109. When a case with an Opt-In child is referred for services from the IV-A agency, that child is considered a recipient of assistance under the CalWORKs program. Upon the household receiving any form of CalWORKs assistance, the Person Ordered to Receive Support (PRS) must cooperate in the establishment of the child support order and must accept child support services

for all children in the household irrespective of the child's cash assistance status as a condition of continued receipt of CalWORKs assistance. Therefore, cases involving an Opt-In child must be handled in the same manner as other IV-A public assistance cases when establishing the child support order and providing child support services. The PRS may not refuse any IV-D services for the Opt-In child(ren).

LCSAs MUST:

- Open a IV-D case if none exists in accordance with Title 22, CCR, section 112150.
- Determine child support cooperation and submit the "Referral to Local Child Support Agency" form CW-371 to notify the county welfare department (CWD) when the applicant/recipient fails to cooperate, in accordance with Title 22, CCR, 112200. If the applicant/recipient subsequently cooperates, the LCSA must notify the CWD of the subsequent cooperation status.
- Enforce a child support order for the child(ren) when one exists in accordance with Title 22, CCR, section 112150.
- Advise the court of the assistance status of the parties upon request of the court pursuant to FC section 4004.
- Seek to establish paternity, if necessary, and obtain a guideline order, when none exists in accordance with Title 22, CCR, section 112150.
- Continue to send current child support and arrears received for the Opt-In child(ren) to the family as provided in WIC section 11450.17(a)(2).

LCSAs MUST NOT:

- Stipulate to a below guideline child support order in accordance with FC section 4065(c).
- Close any IV-D case with the Opt-In child(ren) upon request of the PRS while the Assistance Unit is receiving Title IV-A services under CalWORKs as case closure of the Opt-In child(ren) would be inconsistent with Title 22, CCR, section 118203(a)(8).

Parties wishing to deviate from guideline child support or modify arrears balances for any SB 380 child(ren) must take the request to the court for review.

ACTION: LCSAs must establish the child support order and provide full child support services for Opt-In children in the same manner provided for children receiving public assistance services under Title IV-A programs.

CSSP Letter: 22-01
July 12, 2022
Page 3

CONTACT: If you have any questions or concerns regarding this matter, please contact the DCSS Policy Branch at (916) 464-5883 or policy.branch@dcss.ca.gov.

Sincerely,

o/s

BRIAN HOCKING
Deputy Director
Child Support Services Division