

NOTICE OF CHILD SUPPORT SERVICES PROGRAM

DCSS 0064 (10/18/2020)

WHAT THE CHILD SUPPORT PROGRAM CAN DO FOR YOU:

All children have the right to be supported by both parents. Any person, including a noncustodial parent, whether or not they receive public assistance, can apply for support services. Some of the services available are:

- locating the parent(s) for child support enforcement purposes;
- establishing parentage (legal parent relationship);
- establishing a child and/or medical support (health insurance) order;
- enforcing a child and/or medical support order;
- changing an existing court order for child and/or medical support;
- enforcing a spousal support order with a child support order;
- collecting and distributing support payments.

Custody and visitation services are not provided.

The local child support agency (LCSA) provides services on behalf of the county. The LCSA does not represent you and is not your attorney. Because you are not its client, the LCSA may provide enforcement services to you or the other parent in the future, and the information you provide is not privileged or kept confidential under attorney-client privilege.

COOPERATION WITH CHILD SUPPORT

When you request services, you must cooperate with the LCSA by providing any information or documents needed to establish parentage and/or locate the other parent and to get support payments for your child. Once you request services of the LCSA, the LCSA will determine the appropriate actions to take. All support payments must be made to the State Disbursement Unit. If payments are made directly to you, these payments must be turned over to the State Disbursement Unit.

When you apply for, or receive support services, you are responsible for promptly informing the child support agency of any changes that could affect your child support case or the work of the LCSA. Some examples are:

- child leaves your home;
- telephone number or address changes (including a move to another county, state, or country);
- stopping public assistance, such as California Work Opportunity and Responsibility to Kids (CalWORKs);
- name change;
- initiation of divorce or other legal proceedings involving your child;
- information regarding the other party;
- direct receipt of any child, spousal or family support payment.

Pursuant to Title 45, Code of Federal Regulations, section 303.3, for all cases referred to a LCSA or where an application for services has been received, the agency must attempt to locate all noncustodial parents or sources of income and/or assets when necessary for the next appropriate action. When applicable and appropriate, to your case (s), the LCSA will seek to obtain verification of Social Security Administration information through a data matching process.

YOUR RIGHTS

You have the right to seek legal advice from a private attorney or legal services office at your own expense. If you hire an attorney, you must tell the LCSA. For free information and/or legal assistance, you may contact the Superior Court's Office of the Family Law Facilitator. Free or reduced cost legal services may also be available at your local legal aid society office.

If you have a support order in the State of California, you may ask the LCSA to review your support order to determine if the amount of support should be changed based on statewide guidelines. If the amount of support does not meet guidelines for change, the LCSA must give you or the other parent, upon request, information on how to get the forms to request the court to change the amount of support ordered. The Family Law Facilitator can also help free of charge. The LCSA must tell you of the date, time, and purpose of every hearing for parentage or support. You have the right to read the court file, unless that information is legally prohibited by confidentiality requirements.

Upon your request, the LCSA may give you copies of the most recent order entered in your case file. You can go to court to enforce your support order, but you must give the LCSA advance notice that you intend to file your own enforcement action. If the LCSA does not respond to your notice within thirty (30) days or if the LCSA tells you that you can proceed, you can then file your own enforcement action with the Superior Court as long as all support is payable through the State Disbursement Unit.

The LCSA must have the permission of a non-public assistance recipient before filing a stipulation affecting the support order in which that person is named as a party. The LCSA cannot, without a public assistance recipient's consent, enter into a stipulation that will decrease the amount of overdue support when the recipient is owed overdue support that is more than the amount of public assistance paid to the recipient.

Payments the State receives are applied to the support obligations (including child, medical, and spousal support) in the following order:

1. Current monthly support;
2. Past due support;
3. Interest; and
4. Future obligations.

If the custodial party is currently receiving public assistance, including Medi-cal, the first \$50 in payments received will be paid to the family, and the remaining amount will be applied to government-owed obligations before existing family-owed obligations.

If a noncustodial parent owes past due support, federal income tax refunds owed to the noncustodial parent can be intercepted by the child support agency. Unlike other collections, federal income tax refund collections are not required to be paid out to you within two days under federal law. In months where these collections are typically received, you should expect that any disregard or current support payments usually paid out to you in the month could be delayed for up to six months in some situations.

All cases that are eligible for federal income tax refund offset are eligible for administrative offset. Administrative offsets include both recurring and nonrecurring payments. Recurring payments are payments that are issued on a regular, routine, or repeated basis. A nonrecurring payment is issued once and not expected to be repeated, such as a lump-sum retirement payment.

The federal payments currently included in administrative offset are: federal retirement payments, vendor, and miscellaneous payments (i.e., expense reimbursement payments and travel payments).

Administrative Offset and Federal Tax Refund Offset are authorized by 31 United States Code section 3716, 42 United States Code section 664, 26 United States Code section 6402, and 45 Code of Federal Regulations section 303.72.

State income tax refunds and lottery awards owed to the noncustodial parent can also be intercepted by the child support agency.

Beginning October 1, 2020, pursuant to the Bipartisan Budget Act of 2018, section 53117 of Public Law 115-123 which amended the provisions of the Federal Deficit Reduction Act of 2005, the Department of Child Support Services may assess a \$35 Annual Service Fee for each case that has never received public assistance. This fee will be assessed every year on October 1st for each case in which at least \$550 has been disbursed to the family in the prior Federal Fiscal Year (October 1st - September 30th). The fee will be automatically deducted from the next payment(s) issued to the custodial party after October 1st until the fee has been recovered in full.

Additionally, some other states charge a fee for services. If your case involves one of those states, they may deduct the fee from the support payments, or add it to the balance that is owed.

NOTICE OF COLLECTIONS AND DISTRIBUTION

Custodial Party will get a Notice of Collections and Distribution of support payments every month in which a support payment was received or paid out. The Notice will show all support that was collected and paid out during the period shown on the Notice, and if that money was applied to current support, and/or past due support.

MEDICAL SUPPORT AND MEDI-CAL

Either or both parents can be required to provide health insurance if health insurance is available at a reasonable cost. In general, the cost of health insurance is reasonable if it is employment-related group health insurance or other group health insurance. However, in determining reasonable cost, the court will also consider the actual cost of the health insurance to the parent(s).

The LCSA will ask the court to establish or change a child support order to require the parent(s) to provide health insurance if it is available at a reasonable cost. The custodial parent may also request that the LCSA change the child support order to include a provision for health insurance. This may affect the amount of the monthly child support obligation. If the noncustodial parent is ordered to provide health insurance coverage, the LCSA will contact the noncustodial parent and his or her employer, if necessary, to secure health insurance for the child. After the LCSA receives the policy information, the information will be given to the custodial parent.

Having private health insurance coverage does not prevent the Custodial Party from having Medi-Cal coverage. If the Custodial Party receives Medi-Cal and has individual or group health private coverage (including dental or vision coverage), the Custodial Party is required by federal and state law to tell the county welfare department (CWD), the health care provider, and the child support agency. Failure to provide this information is a misdemeanor. The Custodial Party must report to the CalWORKs eligibility worker and/or child support agency within ten (10) days when private health coverage changes or stops. The Custodial Party must also tell the CalWORKs eligibility worker and/or child support agency about any court order regarding health insurance.

If the Custodial Party is only receiving Medi-Cal, the Custodial Party must cooperate in establishing parentage and obtaining medical support as a condition of continued eligibility for Medi-Cal benefits, unless the Custodial Party has filed and the CWD has approved a claim of "good cause" (CW 51) Good Cause Claim for Noncooperation. Your child(ren) will still be eligible for Medi-Cal. Also, all child support services will be given, unless the Custodial Party tells the LCSA that they do not want services that are unrelated to obtaining medical support and establishing parentage. Obtaining medical support may reduce the amount of the child support received. In cases where both parents are in the home, the LCSA will establish parentage only.

Under federal law [42 U.S.C. section 1396(a)(25)], health insurance belonging to a Medi-Cal recipient in a child or medical support enforcement case is used as follows:

The service provider will bill Medi-Cal. Medi-Cal will pay the service provider. Then Medi-Cal will seek repayment from the other health insurance coverage. You are not responsible for any insurance cost-sharing amount (co-insurance, co-payment or deductible) unless a Medi-Cal co-payment or share of cost must be met. The provider may bill you for the service if you do not cooperate in identifying your private health insurance. If your other health insurance is a Prepaid Health Plan (PHP) or a Health Maintenance Organization (HMO), you must use the plan facilities for regular medical care. Except for out-of-area service or emergency care, Medi-Cal will not pay for services provided by a provider not associated with your PHP/HMO. Out-of-area services or emergency care should be billed to the PHP/HMO.

For more information on Child Support Services, please refer to your Child Support Handbook.

NONDISCRIMINATION STATEMENT

It is the policy of the State of California to ensure that all individuals are treated equally and that no person shall, on the basis of ethnic group identification, race, color, national origin, political affiliation or belief, religion, sex, age or disability be excluded from participation in, denied the benefits of any program or service, or otherwise be subjected to treatment that is different than that provided to others.

Each local child support agency has a designated Civil Rights Coordinator. Any applicant/recipient who feels they have been subjected to discriminatory treatment may file a complaint of discrimination by first contacting the local child support agency's designated Civil Rights Coordinator through the State Customer Service Support Center (CSSC) or by writing to the California Department of Child Support Services, Attn: Human Services Section, Civil Rights Office, P.O. Box 419064, Rancho Cordova, CA 95741-9064 or call [PHONE_CSSC].