

## NOTICE OF CHILD SUPPORT SERVICES PROGRAM

DCSS 0064 (08/21/2016)

### 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 he or she receives public assistance, can apply for support services. Some of the services available are:

- locating the parent(s) for child support enforcement purposes;
- establishing paternity (legal fatherhood);
- 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 provides services on behalf of the county. The local child support agency does not represent you and is not your attorney. Because you are not its client, the local child support agency 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 local child support agency by providing any information or documents needed to establish paternity and/or locate the other parent and to get support payments for your child. Once you request services of the local child support agency, the local child support agency 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 local child support agency. 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 local child support agency 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 local child support agency 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 local child support agency. 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 office.

If you have a support order in the State of California, you may ask the local child support agency 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 local child support agency 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 local child support agency must tell you of the date, time, and purpose of every hearing for paternity or support. You have the right to read the court file, unless that information is legally prohibited by confidentiality requirements.

Upon your request, the local child support agency 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 local child support agency advance notice that you intend to file your own enforcement action. If the local child support agency does not respond to your notice within thirty (30) days or if the local child support agency 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 local child support agency 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 local child support agency 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.

If you are not receiving public assistance, the payments the State receives are applied in the following order:

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

Federal income tax refunds owed to the noncustodial parent can be intercepted by the child support agency, and are applied differently than other payments. By federal law, this money cannot be applied to current support obligations. It must be applied to the past due child support. If a custodial party has received public assistance, including Medi-Cal, the past due child support owed to the government will be paid first.

All case types that are eligible for Federal income tax refund offset are eligible for administrative offset. The following types of payments are available for administrative offset. They 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 allowed 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 and are applied according to the Child Support Program distribution regulations (Manual of Policy and Procedures, Sections 12-415 and 12-420). Franchise Tax Board intercept and lottery award collections are applied to all current support and then to past due child support, including past due medical support.

In accordance with the Federal Deficit Reduction Act of 2005 the Department of Child Support Services may assess a \$25 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 \$500 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. 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, or past due support. A Notice of Collections and Distribution will not be sent in any month that no support was received or paid out.

## **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 local child support agency 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 local child support agency 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 local child support agency will contact the noncustodial parent and his or her employer, if necessary, to secure health insurance for the child. After the local child support agency 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 paternity 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 local child support agency that he or she does not want services that are unrelated to obtaining medical support and establishing paternity. Obtaining medical support may reduce the amount of the child support received. In cases where both parents are in the home, the local child support agency will establish paternity only.

Under Federal law [42 U.S.C. Section 1396a(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.***

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## **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 .