

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

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



July 5, 2006

CSS LETTER: 06-21

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

SUBJECT: CONTEMPT COLLECTIONS

<u>Reason for this Transmittal</u>
<input type="checkbox"/> State Law or Regulation Change
<input type="checkbox"/> Federal Law or Regulation Change
<input type="checkbox"/> Court Order or Settlement Change
<input type="checkbox"/> Clarification requested by One or More Counties
<input checked="" type="checkbox"/> Initiated by DCSS

This letter is to provide clarification to the local child support agencies (LCSA) regarding the appropriate allocation of child support collections received pursuant to civil or criminal contempt or criminal non-support enforcement proceedings against a noncustodial parent (NCP) who has multiple cases within the State.

Collections received in the context of civil/criminal contempt or criminal non-payment of support will in many cases be associated with a separate or specific contempt payment source. Therefore, most collections meant to be NCP contempt payments may be recognized as regular NCP child support payments. Effective with the implementation of Version 1.3 (V1.3), child support collections received in these circumstances will be allocated statewide among all of the NCP's cases consistent with the current regulations regarding the allocation of payments in multiple cases.

The Manual of Policies and Procedures (MPP), Section 12-415, provides that collections received from, or on behalf of, the NCP with one or more cases shall be applied to one specific case or allocated between multiple cases based on the payment source. Payment source is connected to both the nature of enforcement actions and the payor.

In any given case, collection payment sources could include a variety of sources subject to varying allocation rules. For example, if an NCP makes a payment to the LCSA to comply with a contempt order, the regulation requires the payment to be allocated between all the NCP's cases, not just the case in which the contempt was filed. The statewide system (SWS) will perform statewide allocation and send allocation instructions to ACSES Replacement System (ARS) and California Automated Support Enforcement System (CASES); however, the Department of Child Support Services (DCSS) recognizes that ARS and CASES may reallocate per existing business rules in these systems.

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Statewide allocation may result in the CP receiving less than the contempt court ordered amount when the NCP has multiple other obligations. Therefore, the LCSA must notify the CP at the time of the filing of the contempt or complaint for non-support or referral to the district attorney's office for filing that the amount received may be less than what the court order mandated the NCP pay.

The LCSA must inform the court, at the time the court makes the contempt order or at the time of sentencing, of the statewide allocation requirement and that all collections received on behalf of the NCP may not be solely disbursed to the case in which the contempt or non-support action was filed. The LCSA must inform the NCP, when multiple cases exist, that collections will be allocated between all of the NCP's cases and may result in fewer collections being allocated to the case with the contempt or non-support order. Since statewide allocation may result in fewer collections than mandated by court order being allocated to the case in which the contempt or complaint for non-support was filed, the LCSA shall not file a violation of probation with the court as long as the NCP is in compliance with the court order in making the ordered payments.

If you have questions or concerns regarding this instruction, please forward them to your LCSA-designated Financial Management Coordinator who will submit them in accordance with LCSA Letter 05-07, Policy Interpretation Request Form and Instructions.

Sincerely,

/os/

KAREN ECHEVERRIA
Deputy Director
Child Support Services Division