

TITLE 22. DEPARTMENT OF CHILD SUPPORT SERVICES

NOTICE OF PROPOSED RULEMAKING TO REPEAL MANUAL OF POLICIES AND PROCEDURES CHAPTER 12-500 FRANCHISE TAX BOARD FULL COLLECTION PROGRAM OF THE DEPARTMENT OF CHILD SUPPORT SERVICES

NOTICE IS HEREBY GIVEN that the Department of Child Support Services (DCSS) proposes to repeal subsections 12-501, 12-505, 12-510, and 12-515 of Chapter 12-500 of the Manual of Policies and Procedures (MPP) in their entirety. It is necessary to repeal these subsections as they contain requirements and procedures that are no longer consistent, or are in conflict, with current statute and DCSS policy. Subsection 12-520 of Chapter 12-500 of the MPP is amended and proposed to be adopted in 22 California Code of Regulations (CCR) Division 13, Chapter 9, Article 11 Refund of Over Collections, Section 119905 "Refund of Over Collections to Noncustodial Parent". A definition is proposed to be added into 22 CCR Division 13, Subchapter 1 Operations, Article 1 Definitions, Subsection 110487 "Over Collection."

AVAILABILITY OF DOCUMENTS

The proposed text for the repeal and replacement of MPP Chapter 12-500 in this rulemaking is posted to the DCSS public website at:

<https://childsupport.ca.gov/regulations/>

Any further revised version of the text and the Final Statement of Reasons will be posted to this webpage when they become available. DCSS has available all of the information upon which this rulemaking is based at the contact address listed below. That information is too voluminous to include here. If you do not have internet access, copies of the proposed repealed text of MPP Chapter 12-500, text to be adopted into CCR, and the Initial Statement of Reasons may be secured from the contact person listed below.

15-DAY AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all relevant and timely comments received, the DCSS may adopt the proposed regulations substantially as described in this notice. If the DCSS 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 DCSS adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Andrew Enriques at the address indicated below. The DCSS will accept any written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Andrew Enriques at the address below.

CONTACT PERSON

Any inquiries regarding this action to repeal the DCSS MPP Chapter 12-500 may be directed to:

Name: Andrew Enriques
Telephone: 916-464-6689
Fax: 916-464-5772
Email Address: andrew.enriques@dcss.ca.gov
Postal Address: Dept. of Child Support Services
Policy and Program Branch
MS - 210
Attn: Andrew Enriques
P.O. Box 419064
Rancho Cordova, CA 95741-9064

The backup contact person for inquiries is:

Name: Kristi Anderson
Telephone: 916-464-6682
Fax: 916-464-5772
Email Address: kristi.anderson@dcss.ca.gov
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Policy and Program Branch
MS - 210
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45- DAY WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to DCSS. All comments should be submitted to the contact person named above at the addresses or phone number provided. The written comment period shall begin on July 5, 2019 and end on August 20, 2019 at midnight. DCSS shall consider only comments received by the contact person at the DCSS Policy and Program Branch by the deadline.

PUBLIC HEARING

DCSS has not scheduled a public hearing for this proposed action. Any interested person or his or her representative may request a public hearing. If DCSS receives a

written request for a public hearing from any interested person or his or her authorized representative no later than 15 days before the close of the written comment period, DCSS will conduct a public hearing on this proposed action.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

DCSS proposes to repeal MPP Chapter 12-500 as it contains outdated regulations specifically describing the roles and responsibilities of local county district attorneys and the Franchise Tax Board in administering and enforcing child support orders. DCSS was established by Assembly Bill (AB) 196, (Chapter 478, Statutes of 1999) and Senate Bill (SB) 542, (Chapter 480, Statutes of 1999), and is the single state organizational unit that has the duty to administer the Title IV-D state plan for securing child and spousal support, medical support, determining paternity, and enforcing child support orders.

The MPP was adopted by the Department of Social Services prior to the establishment of DCSS. At that time, district attorneys would refer delinquent child support cases to the Franchise Tax Board for collection. Subsequent to the creation of the MPP, the duties and responsibilities of the district attorneys were transferred to local child support agencies (LCSAs) in accordance with Family Code Section 17304 and Family Code Section 17305. The delegation of child support enforcement actions to the Franchise Tax Board Child Support Collection Program that were specified in Sections 19271 through 19275 of the Revenue and Taxation Code (RTC) have been repealed.

DCSS proposes the adoption of Article 11 “Refund of Over Collection” and Section 119905 “Refund of Over Collections to Noncustodial Parent” into the California Code of Regulations, Title 22, Division 13, Chapter 9 to replace MPP 12-520 “Overcollections.” DCSS also proposes the adoption of new Section 110487 “Over Collection” into California Code of Regulations, Title 22, Division 13, Chapter 1, Article 1 Definitions, to define what is meant by use of the term “over collection” in this section.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

The objective of the proposed regulation repeal is to ensure that there is clear guidance in regulation regarding the actions that LCSAs take to manage child support cases and enforce child support orders. The regulations contained in the MPP 12-700 are obsolete or are in conflict with State and Federal authorities and with existing regulations found in the California Code of Regulations. The specific benefit of this rulemaking will be to provide clarity by repealing conflicting and obsolete regulations.

EVALUATION OF INCONSISTANCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

DCSS has reviewed existing regulations and higher authorities and has determined that there are other regulations and statutes that more accurately reflect current child

support enforcement requirements which necessitates repealing the obsolete or inaccurate regulations contained in this rulemaking.

After conducting a review for any regulations that relate to or affect this area, the DCSS has found that there are no other regulations that concern the refund of over collected child support to the noncustodial party. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

AUTHORITY AND REFERENCE

Authority: Sections 17306, 17310, and 17312, Family Code.

Reference: Section 17311, Family Code; Sections 303.72, 303.100, and 303.102, 45 Code of Federal Regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Pursuant to Government Code 11346.5, DCSS has determined that the proposed repeal of the DCSS MPP Chapter 12-500 will not impose a cost or savings on any state agency, local agency, or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of the Government Code; will not result in any nondiscretionary cost or savings to local agencies; will not result in any cost or savings in federal funding to the state; will not impose a mandate on local agencies or school districts; will not have a significant impact on housing costs; and will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The DCSS is not aware of any cost impacts that a representative private person or business will incur in reasonable compliance with the proposed action.

Small Business Determination: DCSS has determined that this rulemaking will not have any potential cost impact on small businesses as these regulations pertain to the enforcement of individual child support orders not small business regulation.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), DCSS ~~determines~~ must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of DCSS 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 proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

DCSS does not anticipate any impacts on 1) the creation or elimination of jobs within the State; 2) the creation or elimination of existing businesses in the State; 3) the expansion of businesses in the State. DCSS anticipates benefits to the health and

welfare of California residents, specifically to local child support agencies by repealing obsolete regulations and adopting new regulations that accurately reflect current DCSS policy and are in line with state and federal authorities. This will result in more standard business practices among counties, less confusion regarding current child support policies, and better service to the public.

Department of Child Support Services

R-2019-03

Repeal of Manual of Policies and Procedures (MPP), Chapter 12-500 Franchise Tax Board Child Support Collection Program Regulations

INITIAL STATEMENT OF REASONS

Assembly Bill (AB) 196, (Chapter 478, Statutes of 1999), and Senate Bill (SB) 542, (Chapter 480, Statutes of 1999), created the Department of Child Support Services within the California Health and Human Services Agency to administer all services and perform all functions necessary to establish, collect and distribute child support in the State of California. This legislation designates the Department of Child Support Services, hereafter referred to as “Department” or “DCSS,” as the single state organizational unit that has the duty to administer the Title IV-D state plan for securing child and spousal support, medical support, and determining paternity. Section 17310, Family Code (FC) authorizes the Director to formulate, adopt, amend, or repeal regulations regarding child support. FC Section 17312 further authorizes the Department Director to adopt regulations to implement, interpret, or make specific the law enforced by the Department.

The Department proposes to repeal MPP Chapter 12-500 FRANCHISE TAX BOARD (FTB) CHILD SUPPORT COLLECTION PROGRAM REGULATIONS in its entirety. The MPP was adopted by the Department of Social Services prior to the establishment of the Department. At that time, district attorneys would refer delinquent child support cases to the FTB for collection. These regulations are now obsolete, superseded, or in conflict with higher authorities.

Subsequent to the creation of the MPP, the duties and responsibilities of the district attorneys were transferred to local child support agencies (LCSAs) in accordance with FC Section 17304 and FC Section 17305. The delegation of child support enforcement actions to the FTB Child Support Collection Program that were specified in Sections 19271 through 19275 of the Revenue and Taxation Code (RTC) have been repealed.

The Department revoked the delegation to the FTB as required by RTC Section 19276, by letter dated December 17, 2008. When the Department revoked the delegation to the FTB, these sections of the RTC were repealed by operation of law effective January 1, 2009 in accordance with the provisions of RTC Section 19276. Enforcement of child support orders was assumed by the Department in accordance with FC Section 17450 and FC Section 17500. Current Department regulations regarding enforcement actions and collection and distribution are found under Title 22, Division 13.

DCSS proposes the adoption of Article 11 “Refund of Over Collection” and Section 119905 “Refund of Over Collections to Noncustodial Parent” into the California Code of Regulations, Title 22, Division 13, Chapter 9 to replace MPP 12-520 “Overcollections.”

DCSS also proposes the adoption of new Section 110487 “Over Collection” into California Code of Regulations, Title 22, Division 13, Chapter 1, Article 1 Definitions, to define what is meant by use of the term “over collection” in this section.

DCSS does not anticipate any impacts on 1) the creation or elimination of jobs within the State; 2) the creation or elimination of existing businesses in the State; or 3) the expansion of businesses in the State. DCSS anticipates benefits to the health and welfare of California residents, specifically to local child support agencies by repealing obsolete regulations and adopting new regulations that accurately reflect current DCSS policy and are in line with state and federal authorities. This will result in more standard business practices among counties, less confusion regarding current child support policies, and better service to the public.

Through this rulemaking, DCSS will be able to ensure that local child support agencies receive clearer guidance from the regulations, less conflicting information between the regulations and higher authorities, and more uniform practices county by county.

Repeal MPP 12-501 DEFINITIONS

Definitions of terms used in Chapter 12-500 are specific to this section, which are common to the Child Support Enforcement Program, are made obsolete by the repeal of this subsection. The following definitions are specific to the subsection. Repealing these definitions only impacts the section being repealed.

Repeal 12-501.2(c)(1)

“Compliance with a judgment order” is superseded by existing provision of FC Section 17520(a)(4).

Repeal 12-501.2(f)(1)

The term “Franchise Tax Board (FTB) Child Support Collection Program” is obsolete. The responsibility for the enforcement of child support orders was assumed by the Department and LCSAs. The FTB Child Support Collection Program is distinct and separate from the FTB Tax Refund Intercept Program regulated at Chapter 12-700.

Repeal MPP subsection 12-501.2(h)(1)

“Hardship” is no longer defined in Revenue and Taxation Code Section 19271(d) as the code has been repealed. The Department adheres to the definition found in FC Section 4071.

Repeal MPP subsection 12-501.2(s)(1)

“Suspend Collection Action” definition is obsolete. The duties and responsibilities of the district attorneys have been transferred to the LCSAs and the FTB Child Support Collection Program has been eliminated.

Repeal the following sections that contain no content:

12-501.2(a); 12-501.2(b); 12-501.2(d); 12-501.2(e); 12-501.2(g); 12-501.2(i) through 12-501.2(r); 12-501.2(t) through 12-501.2(z).

See Attachment 1: MPP 12-500 Repeal Research for references.

Repeal MPP 12-505 GENERAL REQUIREMENTS

Subsection 12-505 lists the general requirements for the district attorney to refer cases to the FTB Child Support Collection Program. The process described in the MPP is obsolete as the FTB is no longer responsible for administering and enforcing child support actions.

See Attachment 1: MPP 12-500 Repeal Research for references.

Repeal MPP 12-510 CASE SUBMISSION STANDARDS

Subsection 12-510 lists the case submission standards for the district attorney to meet in order to refer a case of the FTB Child Support Collection Program. The process described in the MPP is obsolete as the FTB and local district attorneys are no longer responsible for administering and enforcing child support actions.

See Attachment 1: MPP 12-500 Repeal Research for references.

Repeal MPP 12-515 COMPLAINTS

Subsection 12-515 explains the mandatory process used to resolve customer complaints at the local level. The process described in the MPP is obsolete as the FTB and local district attorneys are no longer responsible for administering and enforcing child support actions.

See Attachment 1: MPP 12-500 Repeal Research for references.

Repeal MPP 12-520 OVERCOLLECTIONS

Subsection 12-520 explains the process formerly used when the FTB had over-collected on past-due child support payments. The process described in the MPP is outdated as the FTB and local district attorneys are no longer responsible for administering and enforcing child support actions and those responsibilities have been shifted to the Department and LCSAs. These regulations are proposed to be adopted with amendments into California Code of Regulations, Title 22, Division 13, Chapter 9, Article 11 Refund of Over Collections, Section 119905 "Refund of Over Collections to Noncustodial Parent". See below.

See Attachment 1: MPP 12-500 Repeal Research for references.

Adopt California Code of Regulations Title 22, Division 13, Subchapter 1 Operations, Article 1 Definitions, Section 110487 “Over Collection.”

Purpose

The purpose of adopting a definition for “over collection” is to clearly state what is meant by using the term in this section.

Necessity

The definition being proposed originated in Child Support Services (CSS) Letter 08-13 “Over Collection and Non Support Collection Refund” and is currently followed by DCSS. The term “obligation” has been added after “current support” to clarify that there is no current support to which future payments may be applied.

Adopt new California Code of Regulations, Title 22, Division 13, Chapter 9, Article 11 Refund of Over Collections, Section 119905 “Refund of Over Collections to Noncustodial Parent”

Purpose

The purpose of these regulations is to relocate Department regulations concerning the refunding of over collections to noncustodial parents, and to consolidate current policies found in CSS Letter 08-13 “Over Collection and Non Support Collection Refund”. Article 11. Refund of Over Collections is a new article.

Necessity

Section 119905 Refund of Over Collections to Noncustodial Parent

This is a new section that consolidates policy contained in MPP 12-520 “Overcollections” and CSS Letter 08-13.

119905(a)

This subsection contains regulation previously located in MPP 12-520.1 and adds clarifying language regarding the exceptions of voluntary payments and voluntary military allotments as found in CSS Letter 08-13. The term ‘reimbursement’ is changed to ‘refund’ for consistency in terminology. The term “excess” is narrowly defined in MPP 12-100.3(e) relating to the unreimbursed assistance pool and is replaced by “exceeds” in this regulation to avoid conflict.

119905(a)(1)

This subsection contains regulation previously located in MPP 12-520.1.11 and updates the refund timeframe to be within 2 business days after 15 business days from the date of distribution, per policy found in CSS Letter 08-13.

119905(a)(2)

This subsection contains regulation previously located in MPP 12-520.1.12 and replaces an outdated reference to the district attorney with LCSA.

119905(a)(2)(A)

This subsection contains regulation previously located in MPP 12-520.1.12.121 and replaces the term “standard locate sources” with “locate sources per 22 CCR, Section 113100.” This change clarifies the procedure that LCSAs will follow to find the noncustodial parent and is consistent with current regulation.

119905(a)(2)(B)

This subsection contains regulation previously located in MPP 12-520.1.12.122 and replaces the outdated term “trust fund” with “Child Support Payment Trust Fund.” The original term meant the local agency trust fund used by the district attorney and does not accurately reflect current practices. The current state trust fund is the Child Support Payment Trust Fund established by FC Section 17311.

45 CFR Section 303.72

This citation is added to clarify the timeframe for DCSS to promptly refund excess amounts collected from federal tax refund offsets to the noncustodial parent. It is referenced in CSS Letter 08-13.

45 CFR Section 303.100

This citation is added to clarify the timeframe for DCSS to promptly refund income withholding order amounts which have been improperly withheld to the noncustodial parent. It is referenced in CSS Letter 08-13.

45 CFR Section 303.102

This citation is added to clarify the timeframe for DCSS to promptly refund over collections of State income tax refund offsets for overdue support to the noncustodial parent.

Economic Impact Assessment: Repeal of Manual of Policies and Procedures Section 12-500, and Adoption of Article 11, and Section 119905, Title 22, CCR

DCSS helps to provide child support services to the general public, pursuant to Family Code 17200, through a network of 49 local child support agencies operated at the county level. DCSS has undertaken the task to review and update its regulations, and to repeal those regulations found to be obsolete or in conflict with existing regulations or higher authorities.

DCSS proposes to repeal Manual of Policies and Procedures (MPP) Chapter 12-500 in its entirety as the regulations have been found to be obsolete or in conflict with higher authorities. The MPP was adopted by the Department of Social Services prior to the establishment of the Department. At that time, district attorneys would refer delinquent child support cases to the FTB for collection. Subsequent to the creation of the MPP,

the duties and responsibilities of the district attorneys were transferred to local child support agencies (LCSAs) in accordance with FC Section 17304 and FC Section 17305. The delegation of child support enforcement actions to the FTB Child Support Collection Program that were specified in Sections 19271 through 19275 of the Revenue and Taxation Code (RTC) have been repealed.

A. Effects of the Regulation on the Creation or Elimination of Jobs

DCSS does not anticipate any impacts on the creation or elimination of jobs within the State because the proposed action is limited to the repeal of obsolete regulations or regulations in conflict with higher authorities, and the adoption through regular noticed rulemaking of regulations unrelated to employment. The proposed repealed regulations are in conflict with regulations or higher authorities already in force and do not impose an additional burden on the general public. The proposed adopted regulations replace an obsolete process by which over collected child support is returned to the noncustodial parent and do not impact the creation or elimination of jobs in California.

B. Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses

DCSS does not anticipate any impacts on the creation of new business or the elimination of existing businesses because the proposed regulatory change merely repeals obsolete regulations or regulations in conflict with higher authorities, and to adopt regulation to address an obsolete process of refunding over collected child support. The proposed rulemaking does not impact the creation of new businesses, or the elimination of existing businesses, in California.

C. Effects of the Regulation on the Expansion of Businesses in California

DCSS does not anticipate any impacts on the expansion of businesses in California because the proposed regulatory action is to repeal regulations that are obsolete or in conflict with higher authorities, and to adopt a definition of a child support over collection and the process by which those over collections are refunded to the noncustodial parent. The proposed rulemaking does not impact the regulation or expansion of business in California.

D. Benefits of the Regulation

Benefits to the environment

DCSS does not anticipate any benefits to the environment from the proposed regulations because the proposed regulations will not impact the environment.

Benefits to the health and welfare of California residents

DCSS anticipates benefits to local child support agencies by repealing obsolete regulations and adopting new regulations that accurately reflect current DCSS policy and are in line with state and federal authorities. This will result in more standard business practices county by county, less confusion regarding current child support policies, and better service to the general public.

Benefits to worker safety

DCSS does not anticipate any benefits to worker safety from the proposed regulations because the proposed regulations will not impact worker conditions.

Reasonable Alternatives to the Regulation and the Department's Reasons For Rejecting Those Alternatives

DCSS did not consider any alternatives to these regulations. DCSS regulations are now found in the CCR and any future DCSS regulations will be located there as well. The MPP is no longer considered the primary source of DCSS regulations and the content there is being repealed or migrated into the CCR.

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**AMENDMENT TO MANUAL OF POLICIES AND PROCEDURES (MPP), CHAPTER
12-500 REGARDING CHILD SUPPORT ENFORCEMENT PROGRAM COMPONENTS
AND STANDARDS**

FINAL TEXT

Text to be deleted from the MPP is displayed in strikeout type. Text to be adopted is displayed in underlined type.

Repeal MPP 12-500 to read:

~~TABLE OF CONTENTS~~

**~~CHAPTER 12-500 FRANCHISE TAX BOARD (FTB) CHILD SUPPORT COLLECTION
PROGRAM REGULATIONS~~**

Definitions	12-501
General Requirements	12-505
Case Submission Standards	12-510
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~~12-501~~ DEFINITIONS

~~12-501.1 Definitions of terms used in Chapter 12-500, which are common to the Child Support Enforcement Program, are found at Sections 12-101, 12-301, 12-601, and 12-701.~~

~~12-501.2 When used as a term specific to Chapter 12-500:~~

~~12-501.2(a) Reserved~~

~~12-501.2(b) Reserved~~

~~12-501.2(c)(1) "Compliance with a judgement or order for support" means that, as set forth in a judgement or order for child or family support: the obligor is no more than 30 calendar days in arrears in making payments in full for current support; or is making periodic payments in full, whether court-ordered or by agreement with the district attorney, on a support arrearage; or is making periodic payments in full, whether court-~~

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~~ordered or by agreement with the district attorney, on a judgement for reimbursement for public assistance; or has obtained a judicial finding that equitable estoppel as provided in statute or case law precludes enforcement of the order.~~

~~12-501.2(d) Reserved~~

~~12-501.2(e) Reserved~~

~~12-501.2(f)(1) A Franchise Tax Board (FTB) Child Support Collection Program \cong means the program whereby district attorneys refer child support cases to the FTB for collection in the same manner the FTB collects delinquent tax obligations. The FTB Child Support Collection Program is distinct and separate from the FTB Tax Refund Intercept Program regulated at Chapter 12-700.~~

~~12-501.2(g) Reserved~~

~~12-501.2(h)(1) A Hardship \cong For purposes of administering the FTB Child Support Collection Program, is defined in Revenue and Taxation Code Section 19271(d).~~

~~12-501.2(h)(1)(A) Revenue and Taxation Code Section 19271(d) defines hardship to mean a collection action that would cause undue financial hardship to the obligated parent, would threaten the health or welfare of the obligated parent or his or her family, or would cause undue irreparable loss to the obligated parent.~~

~~12-501.2(i) Reserved~~

~~12-501.2(j) Reserved~~

~~12-501.2(k) Reserved~~

~~12-501.2(l) Reserved~~

~~12-501.2(m) Reserved~~

~~12-501.2(n) Reserved~~

~~12-501.2(o) Reserved~~

~~12-501.2(p) Reserved~~

~~12-501.2(q) Reserved~~

~~12-501.2(r) Reserved~~

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~~12-501.2(s)(1) ASuspend Collection Action~~ means that a wage levy, bank levy, or other collection action will remain in effect, but the FTB will not collect from those sources until further instructions are provided by the district attorney.

~~12-501.2(s)(1)(A) Example 1: To suspend collection action on a bank levy, the FTB informs the financial institution to Afreeze~~ an account for the amount of the levy. The bank will not withdraw funds from that account until it receives instructions from the FTB, and the noncustodial parent cannot withdraw the frozen funds.

~~12-501.2(s)(1)(B) Example 2: To suspend collection action on a wage levy, the FTB informs the employer that the wage levy is enforceable, but wages should not be withheld until the employer is provided with further instructions from the FTB.~~

~~12-501.2(t) Reserved~~

~~12-501.2(u) Reserved~~

~~12-501.2(w) Reserved~~

~~12-501.2(x) Reserved~~

~~12-501.2(y) Reserved~~

~~12-501.2(z) Reserved~~

~~NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Section 11350.6, Welfare and Institutions Code; 45 CFR 302.12; and Sections 19271 and 19271.5(a), Revenue and Taxation Code.~~

~~12-505~~ **GENERAL REQUIREMENTS**

~~12-505.1 District attorneys shall refer child support cases to the FTB Child Support Collection Program for collection in accordance with the provisions of Section 12-510.~~

~~12-505.2 District attorneys who apply for, and are granted an exemption from participating in the FTB Child Support Collection Program pursuant to Section 19271(k) of the Revenue and Taxation Code are not subject to any of the requirements of Chapter 12-500, et seq.~~

~~12-505.3 The county district attorney shall exchange program information with the FTB in the manner agreed to by the FTB and the district attorney.~~

~~12-505.4 The district attorney shall distribute all collections received from the FTB Child Support Collection Program in accordance with Sections 12-101, 12-108, and 12-225.~~

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~~12-505.5 Following the referral of a case to the FTB, a district attorney shall continue to be responsible for complying with state and federal Title IV-D Child Support Program requirements.~~

~~12-505.6 A district attorney may withdraw a case referred to the FTB when the conditions specified in Section 12-510.3 or Section 12-510.4 exist.~~

~~NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: 45 CFR 303 et seq.; and Sections 19271 and 19272(c), Revenue and Taxation Code.~~

~~**12-510 — CASE SUBMISSION STANDARDS**~~

~~12-510.1 The district attorney shall refer any Title IV-D case which meets the following criteria:~~

~~12-510.1.11 Payment due has not been received following the expiration of 90 days from the date payment is due.~~

~~12-510.1.11.111 As referenced in 45 CFR 303.6 and Section 12-107 where partial payments are addressed, the time frame for counting the 90 days would begin when an amount equal to at least one month's support is delinquent.~~

~~12-510.1.11.112 As referenced in Section 12-510.52, current FTB policy requires district attorneys to submit balance updates at least monthly.~~

~~12-510.1.12 If there is a child support delinquency at the time the case is opened by the district attorney, the case shall be referred to the Franchise Tax Board no later than 90 days after the receipt of the case by the district attorney.~~

~~12-510.1.13 The case does not meet the exemption criteria specified in Section 12-510.3 or Section 12-510.4.~~

~~12-510.2 The district attorney may refer any Title IV-D case which meets the following criteria:~~

~~12-510.2.21 The case contains a child support order and either of the following:~~

~~12-510.2.21.211 The case contains a child support obligation that is 30 days or more past due; or~~

~~12-510.2.21.212 The case is not delinquent, subject to the restrictions of Section 19271.5 of the Revenue and Taxation Code.~~

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~~12-510.3 A district attorney shall not refer delinquent cases that conform to the provisions of Revenue and Taxation Code Section 19271(e)(3).~~

~~12-510.3.31 Revenue and Taxation Code Section 19271(e)(3) states that the district attorney shall not refer or the FTB collect on delinquent cases referred to the FTB Child Support Collection Program if the following conditions exist: 1) a court has ordered an obligor to make scheduled payments on a child support arrearages obligation and 2) the obligor is in compliance with a judgement or order for support as defined in Section 12-501.2(e)(1).~~

~~12-510.4 A case that meets the criteria specified in Section 12-510.1 need not be referred to FTB if any of the following conditions exist:~~

~~12-510.4.41 An earnings assignment order or a notice of assignment has been served on the obligated parent's employer and court-ordered support is being paid pursuant to the earnings assignment order or the notice of assignment, or at least 50 percent of the obligated parent's earnings are being withheld for support.~~

~~12-510.4.42 A jurisdiction outside this state is enforcing the support order.~~

~~12-510.5 After referring a case, the district attorney shall provide the FTB with balance updates in accordance with the FTB's criteria for submitting that information specified in the AChild Support Collection Program County Minimum Requirements.≈~~

~~12-510.5.51 Current FTB policy requires that, subsequent to the referral of a case, a district attorney shall notify the FTB within two working days of becoming aware of a case balance decrease of 25 percent, or \$1,000, whichever is greater.~~

~~12-510.5.52 Current FTB policy requires district attorneys to submit balance updates at least monthly.~~

~~NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Section 11350.6, Welfare and Institutions Code; Sections 19271(a) and (e) and 19271.5, Revenue and Taxation Code; and Section 4722(a), Family Code.~~

12-515 — COMPLAINTS

~~12-515.1 When the FTB or a noncustodial parent contacts the district attorney pertaining to a noncustodial parent's complaint that he/she conforms to the provisions of Section 12-510.3, the district attorney shall take the following action(s):~~

~~12-515.1.11 If the district attorney is unable to determine whether the conditions of Section 12-510.3 are met within one working day, the district attorney shall immediately~~

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~~notify the FTB to temporarily suspend collection action on the case until further instructions are provided.~~

~~12-515.1.12 If the complaint is determined to be valid, the district attorney shall notify the FTB to cease all collection action and immediately return the case.~~

~~12-515.2 If a noncustodial parent requests relief from collection of his or her support obligation through the FTB Child Support Collection Program because of a claim of hardship, the district attorney shall review the case and make a determination on the hardship claim as follows:~~

~~12-515.2.21 The burden of producing evidence in support of a claim of hardship shall be on the noncustodial parent.~~

~~12-515.2.22 Upon initial contact from the noncustodial parent, the district attorney shall inform him or her of the following:~~

~~12-515.2.22.221 That the noncustodial parent is responsible for providing any documentation, if requested, that is necessary for the district attorney to make a hardship determination; and~~

~~12-515.2.22.222 That the claim of hardship may be denied if documentation requested by the district attorney is not provided within a reasonable time, not to exceed 15 days of the date of the request.~~

~~12-515.2.23 The noncustodial parent shall be informed that the district attorney will attempt to make a determination concerning the claim of hardship within five working days of receipt of the claim and the requested documentation, and that the five-day time frame begins upon the district attorney's receipt of the requested documentation.~~

~~12-515.2.24 To make a determination about a claim of hardship, the district attorney shall:~~

~~12-515.2.24.241 Review documentation provided by the noncustodial parent.~~

~~12-515.2.24.242 Consider the examples of circumstances evidencing hardship provided in Family Code Section 4071.~~

~~12-515.2.25 If the district attorney cannot make a determination of the claim of hardship within five working days of receiving documentation from the noncustodial parent, the district attorney shall advise the FTB to suspend collection action until further notice. (See definition of ASuspend Collection Action at Section 12-501.2(s)(1).)~~

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~~12-515.2.26 The district attorney shall make a determination on a claim of hardship, in compliance with Section 706.075 of the Code of Civil Procedure, within 15 days of receiving the claim and the requested documentation, or the district attorney must withdraw the case from the FTB Child Support Collection Program until such time that the hardship determination is made.~~

~~12-515.2.26.261 If a delay of a determination of a claim of hardship is due to the noncustodial parent=s failure to provide the requested documentation, the district attorney may proceed with collection action on the case.~~

~~12-515.2.26.262 If it is determined that a hardship exists, the district attorney may withdraw the case, notify the FTB to reduce the amount of money being withheld through a wage levy, and/or reduce the amount of money to be withheld from a lump sum levy.~~

~~12-515.2.26.262(a) The FTB shall be informed of the hardship determination and any changes in collection action within five working days of the date of the determination, or by the last day of the 15-day time frame defined at Section 12-515.26, whichever occurs first.~~

~~12-515.2.26.263 The noncustodial parent shall be notified in writing of the results of the district attorney=s determination within 15 working days of that determination.~~

~~12-515.2.26.263(a) The notice shall include information concerning the noncustodial parent=s right to seek a review of the district attorney=s determination in court, and shall include information pertaining to any time limits within which a request for review must be filed with the court.~~

~~12-515.3 If a noncustodial parent challenges the referral of his or her case to the FTB Child Support Collection Program because of a dispute about the existence of, or the amount of, a past due balance, the district attorney shall make a determination about the disputed balance in accordance with the following:~~

~~12-515.3.31 The burden of producing evidence concerning a disputed balance shall be on the noncustodial parent.~~

~~12-515.3.32 Upon initial contact from the noncustodial parent, the district attorney shall inform him or her of the following:~~

~~12-515.3.32.321 That the noncustodial parent is responsible for providing any documentation or proof of payment, if requested, that is necessary for the district attorney to make a determination about the disputed balance; and~~

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~~12-515.3.32.322 That the challenge to the existence of, or the amount of, a past due balance may be denied if documentation requested by the district attorney is not provided within a reasonable time, not to exceed 15 days from the date of the request.~~

~~12-515.3.33 The noncustodial parent shall be informed of the following:~~

~~12-515.3.33.331 That the district attorney will attempt to make a determination about the existence of, or the amount of, a past due balance within five working days of receipt of the claim and the requested documentation or proof of payment; and~~

~~12-515.3.33.332 That the five-day time frame begins upon the district attorney's receipt of the requested documentation.~~

~~12-515.3.34 To make a determination about the existence of, or the amount of, a disputed balance, the district attorney shall review documentation provided by the noncustodial parent and review the noncustodial parent's case file payment history.~~

~~12-515.3.34.341 If the district attorney cannot determine whether a past due balance exists within five working days of receipt of documentation from the noncustodial parent, the district attorney shall advise the FTB to suspend collection action until further notice. (See definition of ASuspend Collection Action at Section 12-501.2(s)(1).)~~

~~12-515.3.34.341(a) The district attorney shall make a determination concerning the disputed past due balance, in compliance with Code of Civil Procedure Section 706.075, within 15 days of initial contact from the noncustodial parent and receipt of all requested documentation, or the district attorney must withdraw the case from the FTB Child Support Collection Program until such time that a determination is made concerning the disputed past due balance.~~

~~12-515.3.34.341(b) If it is determined that no past due balance exists, the district attorney shall immediately withdraw the case from the FTB Child Support Collection Program.~~

~~12-515.3.34.342 If the district attorney cannot make a determination about a disputed portion of a past due balance within five working days of receipt of documentation from the noncustodial parent, the district attorney shall advise the FTB to suspend collection action on the disputed amount until further notice. (See definition of ASuspend Collection Action at Section 12-501.2(s)(1).)~~

~~12-515.3.34.342(a) Within 15 days of initial contact from the noncustodial parent and receipt of all requested documentation, the district attorney shall make a determination concerning the disputed portion of a past due balance, or the district attorney must notify the FTB of a decrease in the past due balance proportionate to the disputed balance amount by the last day of the 15-day time frame.~~

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~~12-515.3.34.342(b) If it is determined that the past due balance is less than the balance amount referred to the FTB, the district attorney shall inform the FTB of the balance decrease within five working days of the date of the determination, or by the last day of the 15-day time frame defined at Section 12-515.342(a), whichever occurs first.~~

~~12-515.3.35 If a determination concerning the existence of, or the amount of, a disputed balance is delayed due to the noncustodial parent=s failure to provide requested documentation or proof of payment, the district attorney may proceed with collection action on the case.~~

~~12-515.3.36 The noncustodial parent shall be notified in writing of the results of the district attorney=s determination within 15 working days of that determination.~~

~~12-515.3.36.361 The notice shall include information concerning the noncustodial parent=s right to seek a review of the district attorney=s determination in court, and shall include information pertaining to any time limits within which a request for review must be filed with the court.~~

~~NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: 45 CFR 303.72; Section 19271, Revenue and Taxation Code; Section 12419.5, Government Code; Sections 706.051 and 706.075, Code of Civil Procedure; and Section 4071, Family Code.~~

12-520 — OVER COLLECTIONS

~~12-520.1 If a collection occurs in excess of the past due balance amount, and state and federal support distribution requirements are satisfied, the district attorney shall reimburse the over paid amount to the noncustodial parent.~~

~~12-520.1.11 The reimbursement shall be issued within 15 working days of the day the district attorney determined the amount due the noncustodial parent.~~

~~12-520.1.12 When an over collection is refunded to the noncustodial parent and is returned by the post office as undeliverable, the district attorney shall:~~

~~12-520.1.12.121 Attempt to find a current address through standard locate sources.~~

~~12-520.1.12.122 Deposit and retain the undeliverable over collection in a trust fund until one of the following occurs:~~

~~12-520.1.12.122(a) The location of the noncustodial parent becomes known to the district attorney and the amount of the over collection is refunded to the noncustodial parent; or~~

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12-520.1.12.122(b) ~~The undeliverable over collection has remained in the trust fund for three years.~~

~~NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Section 50050, Government Code.~~

Adopt California Code of Regulations Title 22, Division 13, Subchapter 1 Operations, Article 1 Definitions, Subsection 110487 “Over Collection.”

§ 110487 Over Collection

An over-collection is a payment for support, received by the State Disbursement Unit that cannot be applied in part or in full to a IV-D case because there is no current support obligation or arrearages owing on the case. Only a payment that the Department of Child Support Services has care and control of, and may result in, a refund to the obligor or payment remitter, can be categorized as an over-collection.

Note: Authority cited: Sections 17306, 17310, and 17312, Family Code. Reference: Sections 303.72, 303.100, and 303.102, 45 Code of Federal Regulations.

Adopt California Code of Regulations Title 22, Division 13, Chapter 9, Article 11 Refund of Over Collections, Section 119905 “Refund of Over Collections to Noncustodial Parent”.

Article 11. Refund of Over Collections

§ 119905 Refund of Over Collections to Noncustodial Parent

(a) If a collection occurs which exceeds the past due balance amount, with the exception of a voluntary payment made by or on behalf of the noncustodial parent, and voluntary military allotment payment, and state and federal support distribution requirements are satisfied, the local child support agency (LCSA) shall refund the over-paid amount to the noncustodial parent.

(1) The refund shall be issued within 2 business days following a 15-business day determination period from the date of distribution.

(2) When an over collection is refunded to the noncustodial parent and is returned by the post office as undeliverable, the LCSA shall:

(A) Attempt to find a current address through locate sources per 22 CCR § 113100.

(B) Deposit and retain the undeliverable over collection in the Child Support Payment Trust Fund until one of the following occurs:

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1. The location of the noncustodial parent becomes known to the LCSEA and the amount of the over collection is refunded to the noncustodial parent; or

2. The undeliverable over collection has remained in the Child Support Payment Trust Fund for three years.

Note: Authority cited: Sections 17306, 17310, and 17312, Family Code. Reference: Section 17311, Family Code; Sections 303.72, 303.100, and 303.102, 45 Code of Federal Regulations.

Attachment: Repeal Research

Manual of Policies and Procedures

**CHAPTER 12-500 FRANCHISE TAX BOARD (FTB) CHILD SUPPORT
COLLECTION PROGRAM REGULATIONS**

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12-501 DEFINITIONS

12-501.1 Definitions of terms used in Chapter 12-500, which are common to the Child Support Enforcement Program, are found at Sections 12-101, 12-301, 12-601, and 12-701. (These chapters will be addressed individually.)

12-501.2 When used as a term specific to Chapter 12-500:

Repeal MPP subsections 12-501.1 through 12-501.2. All definitions in MPP 12-500 will be deleted or adopted as CCRs.

12-501.2(a) Reserved

12-501.2(b) Reserved

Repeal MPP subsections 12-501.2(a) through 12-501.2(b). Subsections contain no content.

12-501.2(c)(1) "Compliance with a judgement or order for support" means that, as set forth in a judgement or order for child or family support: the obligor is no more than 30 calendar days in arrears in making payments in full for current support; or is making periodic payments in full, whether court-ordered or by agreement with the district attorney, on a support arrearage; or is making periodic payments in full, whether court-ordered or by agreement with the district attorney, on a judgement for reimbursement for public assistance; or has obtained a judicial finding that equitable estoppel as provided in statute or case law precludes enforcement of the order.

Repeal MPP subsection 12-501.2(c)(1). Definition is superseded by existing provision:

FC § 17520. License applicants; compliance with support orders; license issuance, renewal and suspension; review.

[http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17520.&lawCode=FAM.](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17520.&lawCode=FAM)

(a)(4) "Compliance with a judgment or order for support" means that, as set forth in a judgment or order for child or family support, the obligor is no more than 30 calendar days in arrears in making payments in full for current support, in making periodic payments in full, whether court ordered or by agreement with the local child support agency, on a support arrearage, or in making periodic payments in full, whether court ordered or by agreement with the local child support agency, on a judgment for reimbursement for public assistance, or has obtained a judicial finding that equitable estoppel as provided in statute or case law precludes enforcement of the order. The local child support agency is authorized to use this section to enforce orders for spousal support only when the local child support agency is also enforcing a related child support obligation owed to the obligee parent by the same obligor, pursuant to Sections 17400 and 17604.

12-501.2(d) Reserved

12-501.2(e) Reserved

Repeal MPP subsections 12-501.2(d) through 12-501.2(e). Subsections contain no content.

12-501.2(f)(1) Franchise Tax Board (FTB) Child Support Collection Program means the program whereby district attorneys refer child support cases to the FTB for collection in the same manner the FTB collects delinquent tax obligations. The FTB Child Support Collection Program is distinct and separate from the FTB Tax Refund Intercept Program regulated at Chapter 12-700.

Repeal MPP subsection 12-501.2(f)(1). The duties and responsibilities of the district attorneys have been transferred to the local child support agencies (LCSAs). The FTB Child Support Collection Program has been eliminated. The program functions and procedures were specified in sections 19271 through 19275 of the Revenue and Taxation Code (RTC). When DCSS revoked the delegation of Title IV-D functions to the FTB via letter dated December 17, 2008, these sections of the RTC were repealed.

Family Code (FC) § 17200. Creation and duties.

[http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17200.&lawCode=FAM.](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17200.&lawCode=FAM)

The Department of Child Support Services is hereby created within the California Health and Human Services Agency. The department shall administer all services and perform all functions necessary to establish, collect, and distribute child support.

FC § 17305. Transition from district attorney to local agency.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17305.

(a) In order to achieve an orderly and timely transition to the new system with minimal disruption of services, the director shall begin the transition from the office of the district attorney to the local child support agencies pursuant to Section 17304, commencing January 1, 2001.

FC § 17304. County departments of child support services; duties;...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17304.&lawCode=FAM.

...Each county shall establish a new county department of child support services. Each department is also referred to in this division as the local child support agency.

(b) The director shall have direct oversight and supervision of the Title IV-D operations of the local child support agency, and no other local or state agency shall have any authority over the local child support agency as to any function relating to its Title IV-D operations. The local child support agency shall be responsible for the performance of child support enforcement activities required by law and regulation in a manner prescribed by the department. The administrator of the local child support agency shall be responsible for reporting to and responding to the director on all aspects of the child support program.

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450.&lawCode=FAM.

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

Welfare and Institutions Code (WIC) § 10080.5. California Child Support Automation System (CCSAS). (Note: This section of the code was repealed by

AB 2882 (8) on September 22, 2016. Before being repealed it stated the following:)

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=10080.5.&lawCode=WIC.

All duties and authority of the Franchise Tax Board under this chapter are hereby transferred to the department. The department shall succeed to and replace the Franchise Tax Board in any agreement entered into by the board as the agent of the department. Any agency between the department and the Franchise Tax Board created by any other provision of this chapter is hereby terminated. However, the department and the Franchise Tax Board shall enter into an interagency agreement pursuant to this section to continue any services necessary to be provided by the Franchise Tax Board for the ongoing support of the California Child Support Automation System. The interagency agreement may provide for the transfer of staff from the Franchise Tax Board upon federal notification that the single, statewide California Child Support Automation System is implemented in all jurisdictions, or on January 1, 2009, whichever is later.

12-501.2(g) Reserved

Repeal MPP subsection 12-501.2(g). Subsection contains no content.

12-501.2(h)(1) Hardship -- For purposes of administering the FTB Child Support Collection Program, is defined in Revenue and Taxation Code Section 19271(d).

Repeal MPP subsection 12-501.2(h)(1). Revenue and Taxation Code Section 19271(d) has been repealed. Definition is superseded by existing provisions.

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450.&lawCode=FAM.

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

FC § 4071. Financial Hardship; evidence.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4071.&lawCode=FAM.

(a) Circumstances evidencing hardship include the following:

(1) Extraordinary health expenses for which the parent is financially responsible, and uninsured catastrophic losses.

(2) The minimum basic living expenses of either parent's natural or adopted children for whom the parent has the obligation to support from other marriages or relationships who reside with the parent. The court, on its own motion or on the request of a party, may allow these income deductions as necessary to accommodate these expenses after making the deductions allowable under paragraph (1).

(b) The maximum hardship deduction under paragraph (2) of subdivision (a) for each child who resides with the parent may be equal to, but shall not exceed, the support allocated each child subject to the order. For purposes of calculating this deduction, the amount of support per child established by the statewide uniform guideline shall be the total amount ordered divided by the number of children and not the amount established under paragraph (8) of subdivision (b) of Section 4055.

(c) The Judicial Council may develop tables in accordance with this section to reflect the maximum hardship deduction, taking into consideration the parent's net disposable income before the hardship deduction, the number of children for whom the deduction is being given, and the number of children for whom the support award is being made.

12-501.2(i) Reserved

12-501.2(j) Reserved

12-501.2(k) Reserved

12-501.2(l) Reserved

12-501.2(m) Reserved

12-501.2(n) Reserved

12-501.2(o) Reserved

12-501.2(p) Reserved

12-501.2(q) Reserved

12-501.2(r) Reserved

Repeal MPP subsections 12-501.2(i) through 12-501.2(r). Subsections contain no content.

12-501.2(s)(1) Suspend Collection Action – means that a wage levy, bank levy, or other collection action will remain in effect, but the FTB will not collect from those sources until further instructions are provided by the district attorney.

Repeal MPP subsection 12-501.2(s)(1). The duties and responsibilities of the district attorneys have been transferred to the LCSAs. The FTB Child Support Collection Program has been eliminated. The FTB no longer collects from wage or bank levy. FTB participation in collecting delinquent child support is limited to state income tax refund and state lottery winnings intercepts.

FC § 17305. Transition from district attorney to local agency.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17305.

(a) In order to achieve an orderly and timely transition to the new system with minimal disruption of services, the director shall begin the transition from the office of the district attorney to the local child support agencies pursuant to Section 17304, commencing January 1, 2001.

FC § 17304. County departments of child support services; duties;...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17304.&lawCode=FAM.

...Each county shall establish a new county department of child support services. Each department is also referred to in this division as the local child support agency.

(b) The director shall have direct oversight and supervision of the Title IV-D operations of the local child support agency, and no other local or state agency shall have any authority over the local child support agency as to any function relating to its Title IV-D operations. The local child support agency shall be responsible for the performance of child support enforcement activities required by law and regulation in a manner prescribed by the department. The administrator of the local child support agency shall be responsible for reporting to and responding to the director on all aspects of the child support program.

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450.&lawCode=FAM.

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation

of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

12-501.2(t) Reserved

12-501.2(u) Reserved

12-501.2(w) Reserved

12-501.2(x) Reserved

12-501.2(y) Reserved

12-501.2(z) Reserved

Repeal MPP subsections 12-501.2(t) through 12-501.2(z). Subsections contain no content.

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Section 11350.6, Welfare and Institutions Code; 45 CFR 302.12; and Sections 19271 and 19271.5(a), Revenue and Taxation Code.

WIC § 10553 refers to the administration of public social services by the director of the California Department of Social Services (CDSS).

WIC § 10554 gives CDSS the authority to adopt regulations, orders, or standards to implement, interpret, or make specific the law enforced by that department. Since the advent of DCSS, CDSS no longer adopts regulations, orders, or standards pertaining to child support.

WIC § 11475 designated CDSS as the single organizational unit to administer the state plan for child support. (Repealed in 1999.)

WIC § 11479.5 gave CDSS the authority to develop and implement regulations regarding family support enforcement. (Repealed in 1999.)

WIC § 11350.6 established requirements for the State Licensing Match System. This section was amended and adopted as FC § 17520, effective January 1, 2000.

45 CFR § 302.12 establishes the requirement of a single and separate organizational unit to administer IV-D plans within each state.

RTC §§ 19271 and 19271.5(a) were repealed in 2009.

12-505 GENERAL REQUIREMENTS

12-505.1 District attorneys shall refer child support cases to the FTB Child Support Collection Program for collection in accordance with the provisions of Section 12-510.

12-505.2 District attorneys who apply for, and are granted an exemption from participating in the FTB Child Support Collection Program pursuant to Section 19271(k) of the Revenue and Taxation Code are not subject to any of the requirements of Chapter 12-500, et seq.

12-505.3 The county district attorney shall exchange program information with the FTB in the manner agreed to by the FTB and the district attorney.

Repeal MPP subsections 12-505.1 through 12-505.2. The duties and responsibilities of the district attorneys have been transferred to the LCSAs. The FTB Child Support Program has been eliminated and RTC sections 19271 through 19275 have been repealed.

FC § 17305. Transition from district attorney to local agency.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17305.

(a) In order to achieve an orderly and timely transition to the new system with minimal disruption of services, the director shall begin the transition from the office of the district attorney to the local child support agencies pursuant to Section 17304, commencing January 1, 2001.

FC § 17304. County departments of child support services; duties;...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17304.&lawCode=FAM.

...Each county shall establish a new county department of child support services. Each department is also referred to in this division as the local child support agency.

(b) The director shall have direct oversight and supervision of the Title IV-D operations of the local child support agency, and no other local or state agency shall have any authority over the local child support agency as to any function relating to its Title IV-D operations. The local child support agency shall be responsible for the performance of child support enforcement activities required by law and regulation in a manner prescribed by the department. The administrator of the local child support agency shall be responsible for reporting to and responding to the director on all aspects of the child support program.

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450.&lawCode=FAM.

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

12-505.4 The district attorney shall distribute all collections received from the FTB Child Support Collection Program in accordance with Sections 12-101, 12-108, and 12-225.

Repeal MPP subsection 12-505.4. The duties and responsibilities of the district attorneys have been transferred to the LCSAs. The FTB Child Support Program has been eliminated. Section 12-101, 12-108 and 12-225 are being repealed separately.

FC § 17305. Transition from district attorney to local agency.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17305.

(a) In order to achieve an orderly and timely transition to the new system with minimal disruption of services, the director shall begin the transition from the office of the district attorney to the local child support agencies pursuant to Section 17304, commencing January 1, 2001.

FC § 17304. County departments of child support services; duties;...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17304.&lawCode=FAM.

...Each county shall establish a new county department of child support services.

Each department is also referred to in this division as the local child support agency.

(b) The director shall have direct oversight and supervision of the Title IV-D operations of the local child support agency, and no other local or state agency shall have any authority over the local child support agency as to any function relating to its Title IV-D operations. The local child support agency shall be responsible for the performance of child support enforcement activities required by law and regulation in a manner prescribed by the department. The administrator of the local child support agency shall be responsible for reporting to and responding to the director on all aspects of the child support program.

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450.&lawCode=FAM.

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

12-505.5 Following the referral of a case to the FTB, a district attorney shall continue to be responsible for complying with state and federal Title IV-D Child Support Program requirements.

Repeal MPP subsection 12-505.5. The duties and responsibilities of the district attorneys have been transferred to the LCSAs. The FTB Child Support Program has been eliminated. DCSS refers cases to the FTB for state income tax refund and state lottery winnings intercepts only. DCSS monitors LCSA compliance with state and federal Title IV-D program requirements.

FC § 17305. Transition from district attorney to local agency.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17305.

(a) In order to achieve an orderly and timely transition to the new system with minimal disruption of services, the director shall begin the transition from the office of the district attorney to the local child support agencies pursuant to Section 17304, commencing January 1, 2001.

FC § 17304. County departments of child support services; duties;...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17304.&lawCode=FAM.

...Each county shall establish a new county department of child support services.

Each department is also referred to in this division as the local child support agency.

(b) The director shall have direct oversight and supervision of the Title IV-D operations of the local child support agency, and no other local or state agency shall have any authority over the local child support agency as to any function relating to its Title IV-D operations. The local child support agency shall be responsible for the performance of child support enforcement activities required by law and regulation in

a manner prescribed by the department. The administrator of the local child support agency shall be responsible for reporting to and responding to the director on all aspects of the child support program.

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450&lawCode=FAM.

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

FC § 17702. Assessment of county and state compliance with child support laws and regulations; eligibility for state incentives.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17702&lawCode=FAM.

(a) The department shall assess, at least once every three years, each county's compliance with federal and state child support laws and regulations in effect for the time period being reviewed, using a statistically valid sample of cases. Counties found to be out of compliance shall be assessed annually, until they are found to be in compliance. The information for the assessment shall be based on reviews conducted and reports produced by either state or county staff, as determined by the department.

In addition, in order to meet federal self-assessment requirements, the department shall conduct an annual assessment of the state's compliance, using a statistically valid statewide sample of cases.

12-505.6 A district attorney may withdraw a case referred to the FTB when the conditions specified in Section 12-510.3 or Section 12-510.4 exist.

Repeal MPP subsection 12-505.6. The duties and responsibilities of the district attorneys have been transferred to the LCSAs. The FTB Child Support Program has been eliminated. DCSS refers cases to the FTB for state income tax refund and state lottery winnings intercepts only. See section 12-510 for repeal justifications for subsections 12-510.3 and 12-510.4. Subsection is superseded by existing provisions.

FC § 17305. Transition from district attorney to local agency.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17305.

(a) In order to achieve an orderly and timely transition to the new system with minimal disruption of services, the director shall begin the transition from the office of the district attorney to the local child support agencies pursuant to Section 17304, commencing January 1, 2001.

FC § 17304. County departments of child support services; duties;...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17304.&lawCode=FAM.

...Each county shall establish a new county department of child support services. Each department is also referred to in this division as the local child support agency.

(b) The director shall have direct oversight and supervision of the Title IV-D operations of the local child support agency, and no other local or state agency shall have any authority over the local child support agency as to any function relating to its Title IV-D operations. The local child support agency shall be responsible for the performance of child support enforcement activities required by law and regulation in a manner prescribed by the department. The administrator of the local child support agency shall be responsible for reporting to and responding to the director on all aspects of the child support program.

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450.&lawCode=FAM.

(c) (1) The department may return or allow a local child support agency to retain a child support delinquency for a specified purpose for collection where the department determines that the return or retention of the delinquency for the purpose so specified will enhance the collectibility of the delinquency. The department shall establish a process whereby a local child support agency may request and shall be allowed to withdraw, rescind, or otherwise recall the submittal of an account that has been submitted.

(2) If an obligor is disabled, meets the federal Supplemental Security Income resource test, and is receiving Supplemental Security Income/State Supplementary Payments (SSI/SSP), or, but for excess income as described in Section 416.1100 and following of Part 416 of Title 20 of the Code of Federal Regulations, would be eligible to receive as SSI/SSP, pursuant to Section 12200 of the Welfare and Institutions Code, and the obligor has supplied the local child support agency with proof of his or her eligibility for, and, if applicable, receipt of, SSI/SSP or Social Security Disability Insurance benefits, then the child support delinquency shall not be referred to the department for collection, and, if referred, shall be withdrawn, rescinded, or otherwise recalled from the department by the local child support agency. The department shall not take any collection action, or if the local child support agency has already taken collection action, shall cease collection actions in the case of a disabled obligor when the

delinquency is withdrawn, rescinded, or otherwise recalled by the local child support agency in accordance with the process established as described in paragraph (1).
(d) It is the intent of the Legislature that when the California Child Support Automation System (CCSAS) is fully operational, any statutes that should be modified based upon the status of the system shall be revised. During the development and implementation of CCSAS, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

FC § 17500. Responsibility of the department and local child support agency for collection and enforcement; administering wage withholding; submission of delinquencies; delinquency existing at time case is opened.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17500&lawCode=FAM.

(a) In carrying out its obligations under Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.), the department and the local child support agency shall have the responsibility for promptly and effectively collecting and enforcing child support obligations.

(b) The department and the local child support agency are the public agencies responsible for administering wage withholding for the purposes of Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.).

(c) Except as provided in Section 17450, the local child support agency shall submit child support delinquencies to the department for purposes of supplementing the collection efforts of the local child support agencies. Submissions shall be in the form and manner and at the time prescribed by the department. Collection shall be made by the department in accordance with Section 17450. For purposes of this subdivision, "child support delinquency" means an arrearage or otherwise past due amount that accrues when an obligor fails to make any court-ordered support payment when due, which is more than 60 days past due, and the aggregate amount of which exceeds one hundred dollars (\$100).

(d) If a child support delinquency exists at the time a case is opened by the local child support agency, the responsibility for the collection of the child support delinquency shall be submitted to the department no later than 30 days after receipt of the case by the local child support agency.

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: 45 CFR 303 et seq.; and Sections 19271 and 19272(c), Revenue and Taxation Code.

WIC § 10553 refers to the administration of public social services by the director of the California Department of Social Services (CDSS).

WIC § 10554 gives CDSS the authority to adopt regulations, orders, or standards to implement, interpret, or make specific the law enforced by that department. Since the advent of DCSS, CDSS no longer adopts regulations, orders, or standards pertaining to child support.

WIC § 11475 designated CDSS as the single organizational unit to administer the state plan for child support. (Repealed in 1999.)

WIC § 11479.5 gave CDSS the authority to develop and implement regulations regarding family support enforcement. (Repealed in 1999.)

45 CFR § 303 establishes standards for IV-D program operations.

RTC §§ 19271 and 19272(c) were repealed in 2009.

12-510 CASE SUBMISSION STANDARDS

12-510.1 The district attorney shall refer any Title IV-D case which meets the following criteria:

12-510.1.11 Payment due has not been received following the expiration of 90 days from the date payment is due.

Repeal MPP subsections 12-510.1 through 12-510.1.11. The duties and responsibilities of the district attorneys have been transferred to the LCSAs. The FTB Child Support Program has been eliminated. LCSAs refer delinquent cases to DCSS for supplemental enforcement actions. Some supplemental actions are automated via the Child Support Enforcement (CSE) system. Subsection 12-510.1.11 is superseded by existing provisions.

FC § 17305. Transition from district attorney to local agency.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17305.

(a) In order to achieve an orderly and timely transition to the new system with minimal disruption of services, the director shall begin the transition from the office of the district attorney to the local child support agencies pursuant to Section 17304, commencing January 1, 2001.

FC § 17304. County departments of child support services; duties;...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17304.&lawCode=FAM.

...Each county shall establish a new county department of child support services.

Each department is also referred to in this division as the local child support agency.

(b) The director shall have direct oversight and supervision of the Title IV-D operations of the local child support agency, and no other local or state agency shall have any authority over the local child support agency as to any function relating to its Title IV-D operations. The local child support agency shall be responsible for the performance of child support enforcement activities required by law and regulation in a manner prescribed by the department. The administrator of the local child support agency shall be responsible for reporting to and responding to the director on all aspects of the child support program.

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450.&lawCode=FAM.

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through

appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

FC § 17500. Responsibility of the department and local child support agency for collection and enforcement; administering wage withholding; submission of delinquencies; delinquency existing at time case is opened.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17500.&lawCode=FAM.

(a) In carrying out its obligations under Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.), the department and the local child support agency shall have the responsibility for promptly and effectively collecting and enforcing child support obligations.

(b) The department and the local child support agency are the public agencies responsible for administering wage withholding for the purposes of Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.).

(c) Except as provided in Section 17450, the local child support agency shall submit child support delinquencies to the department for purposes of supplementing the collection efforts of the local child support agencies. Submissions shall be in the form and manner and at the time prescribed by the department. Collection shall be made by the department in accordance with Section 17450. For purposes of this subdivision, "child support delinquency" means an arrearage or otherwise past due amount that accrues when an obligor fails to make any court-ordered support payment when due, which is more than 60 days past due, and the aggregate amount of which exceeds one hundred dollars (\$100).

(d) If a child support delinquency exists at the time a case is opened by the local child support agency, the responsibility for the collection of the child support delinquency shall be submitted to the department no later than 30 days after receipt of the case by the local child support agency.

12-510.1.11.111 As referenced in 45 CFR § 303.6 and Section 12-107 where partial payments are addressed, the time frame for counting the 90 days would begin when an amount equal to at least one month's support is delinquent.

Repeal MPP subsection 12-510.1.11.111. Subsection is superseded by existing provisions:

45 CFR § 303.6. Enforcement of support obligations.

<http://www.gpo.gov/fdsys/pkg/CFR-2010-title45-vol2/pdf/CFR-2010-title45-vol2-sec303-6.pdf>.

For all cases referred to the IV-D agency or applying for services under § 302.33 in which the obligation to support and the amount of the obligation have been established, the IV-D agency must maintain and use an effective system for: (a) Monitoring compliance with the support obligation; (b) Identifying on the date the parent fails to make payments in an amount equal to the support payable for one month, or on an earlier date in accordance with State law, those cases in which there is a failure to comply with the support obligation; and (c) Enforcing the obligation by: (1) Initiating income withholding, in accordance with § 303.100; (2) Taking any appropriate enforcement action (except income withholding and Federal and State income tax refund offset) unless service of process is necessary, within no more than 30 calendar days of identifying a delinquency or other support-related non-compliance with the order or the location of the noncustodial parent, whichever occurs later. If service of process is necessary prior to taking an enforcement action, service must be completed (or unsuccessful attempts to serve process must be documented in accordance with the State's guidelines defining diligent efforts under § 303.3(c)), and enforcement action taken if process is served, within no later than 60 calendar days of identifying a delinquency or other support-related non-compliance with the order, or the location of the noncustodial parent, whichever occurs later;

12-510.1.11.112 As referenced in Section 12-510.52, current FTB policy requires district attorneys to submit balance updates at least monthly.

Repeal MPP subsection 12-510.1.11.112. The duties and responsibilities of the district attorneys have been transferred to the LCSAs. The FTB Child Support Program has been eliminated. Subsection is superseded by existing provisions.

FC § 17305. Transition from district attorney to local agency.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17305.

(a) In order to achieve an orderly and timely transition to the new system with minimal disruption of services, the director shall begin the transition from the office of the district attorney to the local child support agencies pursuant to Section 17304, commencing January 1, 2001.

FC § 17304. County departments of child support services; duties;...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17304.&lawCode=FAM.

...Each county shall establish a new county department of child support services. Each department is also referred to in this division as the local child support agency. (b) The director shall have direct oversight and supervision of the Title IV-D operations of the local child support agency, and no other local or state agency shall have any authority over the local child support agency as to any function relating to its Title IV-D operations. The local child support agency shall be responsible for the performance of child support enforcement activities required by law and regulation in a manner prescribed by the department. The administrator of the local child support

agency shall be responsible for reporting to and responding to the director on all aspects of the child support program.

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450&lawCode=FAM.

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

FC § 17500. Responsibility of the department and local child support agency for collection and enforcement; administering wage withholding; submission of delinquencies; delinquency existing at time case is opened.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17500&lawCode=FAM.

(a) In carrying out its obligations under Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.), the department and the local child support agency shall have the responsibility for promptly and effectively collecting and enforcing child support obligations.

(b) The department and the local child support agency are the public agencies responsible for administering wage withholding for the purposes of Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.).

(c) Except as provided in Section 17450, the local child support agency shall submit child support delinquencies to the department for purposes of supplementing the collection efforts of the local child support agencies. Submissions shall be in the form and manner and at the time prescribed by the department. Collection shall be made by the department in accordance with Section 17450. For purposes of this subdivision, "child support delinquency" means an arrearage or otherwise past due amount that accrues when an obligor fails to make any court-ordered support payment when due, which is more than 60 days past due, and the aggregate amount of which exceeds one hundred dollars (\$100).

(d) If a child support delinquency exists at the time a case is opened by the local child support agency, the responsibility for the collection of the child support delinquency shall be submitted to the department no later than 30 days after receipt of the case by the local child support agency.

FC § 17520. License applicants; compliance with support orders; license issuance, renewal and suspension; review.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17520.&lawCode=FAM.

(a)(4) "Compliance with a judgment or order for support" means that, as set forth in a judgment or order for child or family support, the obligor is no more than 30 calendar days in arrears in making payments in full for current support, in making periodic payments in full, whether court ordered or by agreement with the local child support agency, on a support arrearage, or in making periodic payments in full, whether court ordered or by agreement with the local child support agency, on a judgment for reimbursement for public assistance, or has obtained a judicial finding that equitable estoppel as provided in statute or case law precludes enforcement of the order. The local child support agency is authorized to use this section to enforce orders for spousal support only when the local child support agency is also enforcing a related child support obligation owed to the obligee parent by the same obligor, pursuant to Sections 17400 and 17604.

(b) The local child support agency shall maintain a list of those persons included in a case being enforced under Title IV-D of the federal Social Security Act against whom a support order or judgment has been rendered by, or registered in, a court of this state, and who are not in compliance with that order or judgment. The local child support agency shall submit a certified list with the names, social security numbers, and last known addresses of these persons and the name, address, and telephone number of the local child support agency who certified the list to the department. The local child support agency shall verify, under penalty of perjury, that the persons listed are subject to an order or judgment for the payment of support and that these persons are not in compliance with the order or judgment. The local child support agency shall submit to the department an updated certified list on a monthly basis.

(c) The department shall consolidate the certified lists received from the local child support agencies and, within 30 calendar days of receipt, shall provide a copy of the consolidated list to each board that is responsible for the regulation of licenses, as specified in this section.

12-510.1.12 If there is a child support delinquency at the time the case is opened by the district attorney, the case shall be referred to the Franchise Tax Board no later than 90 days after the receipt of the case by the district attorney.

Repeal MPP subsection 12-510.1.12. Subsection is superseded by existing provision:

FC § 17500. Responsibility of the department and local child support agency for collection and enforcement; administering wage withholding; submission of delinquencies; delinquency existing at time case is opened.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17500.&lawCode=FAM.

(d) If a child support delinquency exists at the time a case is opened by the local child support agency, the responsibility for the collection of the child support delinquency shall be submitted to the department no later than 30 days after receipt of the case by the local child support agency.

12-510.1.13 The case does not meet the exemption criteria specified in Section 12-510.3 or Section 12-510.4.

Repeal MPP subsection 12-510.1.13. The FTB Child Support Program has been eliminated. See repeal justifications included in subsections 12-510.3 and 12-510.4.

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450.&lawCode=FAM.

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

12-510.2 The district attorney may refer any Title IV-D case which meets the following criteria:

12-510.2.21 The case contains a child support order and either of the following:

12-510.2.21.211 The case contains a child support obligation that is 30 days or more past due; or

Repeal MPP subsections 12-510.2 through 12-510.2.21.211. The duties and responsibilities of the district attorneys have been transferred to the LCSAs. The FTB Child Support Program has been eliminated. Subsection 12-510.2.21.211, regarding enforcement action timeframes, is superseded by existing provisions.

FC § 17305. Transition from district attorney to local agency.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17305.

(a) In order to achieve an orderly and timely transition to the new system with minimal disruption of services, the director shall begin the transition from the office of the district attorney to the local child support agencies pursuant to Section 17304, commencing January 1, 2001.

FC § 17304. County departments of child support services; duties;...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17304&lawCode=FAM.

...Each county shall establish a new county department of child support services. Each department is also referred to in this division as the local child support agency.

(b) The director shall have direct oversight and supervision of the Title IV-D operations of the local child support agency, and no other local or state agency shall have any authority over the local child support agency as to any function relating to its Title IV-D operations. The local child support agency shall be responsible for the performance of child support enforcement activities required by law and regulation in a manner prescribed by the department. The administrator of the local child support agency shall be responsible for reporting to and responding to the director on all aspects of the child support program.

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450&lawCode=FAM.

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

45 CFR § 303.6. Enforcement of support obligations.

<http://www.gpo.gov/fdsys/pkg/CFR-2010-title45-vol2/pdf/CFR-2010-title45-vol2-sec303-6.pdf>.

For all cases referred to the IV-D agency or applying for services under § 302.33 in which the obligation to support and the amount of the obligation have been established, the IV-D agency must maintain and use an effective system for: (a) Monitoring compliance with the support obligation; (b) Identifying on the date the

parent fails to make payments in an amount equal to the support payable for one month, or on an earlier date in accordance with State law, those cases in which there is a failure to comply with the support obligation; and (c) Enforcing the obligation by: (1) Initiating income withholding, in accordance with § 303.100; (2) Taking any appropriate enforcement action (except income withholding and Federal and State income tax refund offset) unless service of process is necessary, within no more than 30 calendar days of identifying a delinquency or other support-related non-compliance with the order or the location of the noncustodial parent, whichever occurs later. If service of process is necessary prior to taking an enforcement action, service must be completed (or unsuccessful attempts to serve process must be documented in accordance with the State's guidelines defining diligent efforts under § 303.3(c)), and enforcement action taken if process is served, within no later than 60 calendar days of identifying a delinquency or other support-related non-compliance with the order, or the location of the noncustodial parent, whichever occurs later;

FC § 17500. Responsibility of the department and local child support agency for collection and enforcement; administering wage withholding; submission of delinquencies; delinquency existing at time case is opened.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17500&lawCode=FAM.

(a) In carrying out its obligations under Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.), the department and the local child support agency shall have the responsibility for promptly and effectively collecting and enforcing child support obligations.

(b) The department and the local child support agency are the public agencies responsible for administering wage withholding for the purposes of Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.).

(c) Except as provided in Section 17450, the local child support agency shall submit child support delinquencies to the department for purposes of supplementing the collection efforts of the local child support agencies. Submissions shall be in the form and manner and at the time prescribed by the department. Collection shall be made by the department in accordance with Section 17450. For purposes of this subdivision, "child support delinquency" means an arrearage or otherwise past due amount that accrues when an obligor fails to make any court-ordered support payment when due, which is more than 60 days past due, and the aggregate amount of which exceeds one hundred dollars (\$100).

(d) If a child support delinquency exists at the time a case is opened by the local child support agency, the responsibility for the collection of the child support delinquency shall be submitted to the department no later than 30 days after receipt of the case by the local child support agency.

12-510.2.21.212 The case is not delinquent, subject to the restrictions of Section 19271.5 of the Revenue and Taxation Code.

Repeal MPP subsection 12-510.2.21.212. The FTB Child Support Program has been eliminated. RTC § 19271.5 has been repealed. Subsection is superseded by existing provisions.

45 CFR § 303.6. Enforcement of support obligations.

<http://www.gpo.gov/fdsys/pkg/CFR-2010-title45-vol2/pdf/CFR-2010-title45-vol2-sec303-6.pdf>.

For all cases referred to the IV-D agency or applying for services under § 302.33 in which the obligation to support and the amount of the obligation have been established, the IV-D agency must maintain and use an effective system for: (a) Monitoring compliance with the support obligation; (b) Identifying on the date the parent fails to make payments in an amount equal to the support payable for one month, or on an earlier date in accordance with State law, those cases in which there is a failure to comply with the support obligation; and (c) Enforcing the obligation by: (1) Initiating income withholding, in accordance with § 303.100; (2) Taking any appropriate enforcement action (except income withholding and Federal and State income tax refund offset) unless service of process is necessary, within no more than 30 calendar days of identifying a delinquency or other support-related non-compliance with the order or the location of the noncustodial parent, whichever occurs later. If service of process is necessary prior to taking an enforcement action, service must be completed (or unsuccessful attempts to serve process must be documented in accordance with the State's guidelines defining diligent efforts under § 303.3(c)), and enforcement action taken if process is served, within no later than 60 calendar days of identifying a delinquency or other support-related non-compliance with the order, or the location of the noncustodial parent, whichever occurs later;

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450.&lawCode=FAM.

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

FC § 17500. Responsibility of the department and local child support agency for collection and enforcement; administering wage withholding; submission of delinquencies; delinquency existing at time case is opened.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17500&lawCode=FAM.

(a) In carrying out its obligations under Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.), the department and the local child support agency shall have the responsibility for promptly and effectively collecting and enforcing child support obligations.

(b) The department and the local child support agency are the public agencies responsible for administering wage withholding for the purposes of Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.).

(c) Except as provided in Section 17450, the local child support agency shall submit child support delinquencies to the department for purposes of supplementing the collection efforts of the local child support agencies. Submissions shall be in the form and manner and at the time prescribed by the department. Collection shall be made by the department in accordance with Section 17450. For purposes of this subdivision, "child support delinquency" means an arrearage or otherwise past due amount that accrues when an obligor fails to make any court-ordered support payment when due, which is more than 60 days past due, and the aggregate amount of which exceeds one hundred dollars (\$100).

(d) If a child support delinquency exists at the time a case is opened by the local child support agency, the responsibility for the collection of the child support delinquency shall be submitted to the department no later than 30 days after receipt of the case by the local child support agency.

12-510.3 A district attorney shall not refer delinquent cases that conform to the provisions of Revenue and Taxation Code Section 19271(e)(3).

12-510.3.31 Revenue and Taxation Code Section 19271(e)(3) states that the district attorney shall not refer or the FTB collect on delinquent cases referred to the FTB Child Support Collection Program if the following conditions exist: 1) a court has ordered an obligor to make scheduled payments on a child support arrearages obligation and 2) the obligor is in compliance with a judgement or order for support as defined in Section 12-501.2(c)(1)

Repeal MPP subsections 12-510.3 through 12-510.3.31. The duties and responsibilities of the district attorneys have been transferred to the LCSAs. The FTB Child Support Program has been eliminated. RTC § 19271(e)(3) has been repealed. Subsections are superseded by existing provisions.

FC § 17305. Transition from district attorney to local agency.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17305.

(a) In order to achieve an orderly and timely transition to the new system with minimal disruption of services, the director shall begin the transition from the office of the

district attorney to the local child support agencies pursuant to Section 17304, commencing January 1, 2001.

FC § 17304. County departments of child support services; duties;...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17304.&lawCode=FAM.

...Each county shall establish a new county department of child support services. Each department is also referred to in this division as the local child support agency.

(b) The director shall have direct oversight and supervision of the Title IV-D operations of the local child support agency, and no other local or state agency shall have any authority over the local child support agency as to any function relating to its Title IV-D operations. The local child support agency shall be responsible for the performance of child support enforcement activities required by law and regulation in a manner prescribed by the department. The administrator of the local child support agency shall be responsible for reporting to and responding to the director on all aspects of the child support program.

45 CFR § 303.6. Enforcement of support obligations.

<http://www.gpo.gov/fdsys/pkg/CFR-2010-title45-vol2/pdf/CFR-2010-title45-vol2-sec303-6.pdf>.

For all cases referred to the IV-D agency or applying for services under § 302.33 in which the obligation to support and the amount of the obligation have been established, the IV-D agency must maintain and use an effective system for: (a) Monitoring compliance with the support obligation; (b) Identifying on the date the parent fails to make payments in an amount equal to the support payable for one month, or on an earlier date in accordance with State law, those cases in which there is a failure to comply with the support obligation; and (c) Enforcing the obligation by: (1) Initiating income withholding, in accordance with § 303.100; (2) Taking any appropriate enforcement action (except income withholding and Federal and State income tax refund offset) unless service of process is necessary, within no more than 30 calendar days of identifying a delinquency or other support-related non-compliance with the order or the location of the noncustodial parent, whichever occurs later. If service of process is necessary prior to taking an enforcement action, service must be completed (or unsuccessful attempts to serve process must be documented in accordance with the State's guidelines defining diligent efforts under § 303.3(c)), and enforcement action taken if process is served, within no later than 60 calendar days of identifying a delinquency or other support-related non-compliance with the order, or the location of the noncustodial parent, whichever occurs later;

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450.&lawCode=FAM.

(c) (1) The department may return or allow a local child support agency to retain a child support delinquency for a specified purpose for collection where the department

determines that the return or retention of the delinquency for the purpose so specified will enhance the collectibility of the delinquency. The department shall establish a process whereby a local child support agency may request and shall be allowed to withdraw, rescind, or otherwise recall the submittal of an account that has been submitted.

(2) If an obligor is disabled, meets the federal Supplemental Security Income resource test, and is receiving Supplemental Security Income/State Supplementary Payments (SSI/SSP), or, but for excess income as described in Section 416.1100 and following of Part 416 of Title 20 of the Code of Federal Regulations, would be eligible to receive as SSI/SSP, pursuant to Section 12200 of the Welfare and Institutions Code, and the obligor has supplied the local child support agency with proof of his or her eligibility for, and, if applicable, receipt of, SSI/SSP or Social Security Disability Insurance benefits, then the child support delinquency shall not be referred to the department for collection, and, if referred, shall be withdrawn, rescinded, or otherwise recalled from the department by the local child support agency. The department shall not take any collection action, or if the local child support agency has already taken collection action, shall cease collection actions in the case of a disabled obligor when the delinquency is withdrawn, rescinded, or otherwise recalled by the local child support agency in accordance with the process established as described in paragraph (1).

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

FC § 17453. Financial Institution Data Match System; guidelines;...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17453.&lawCode=FAM.

(j) (1) Each county shall notify the department upon the occurrence of the circumstances described in the following subparagraphs with respect to an obligor of past-due support:

(A) A court has ordered an obligor to make scheduled payments on a child support arrearages obligation and the obligor is in compliance with that order.

(B) An earnings assignment order or an order/notice to withhold income that includes an amount for past-due support has been served on the obligated parent's employer and earnings are being withheld pursuant to the earnings assignment order or an order/notice to withhold income.

(C) At least 50 percent of the obligated parent's earnings are being withheld for support.

FC § 17500. Responsibility of the department and local child support agency for collection and enforcement; administering wage withholding; submission of delinquencies; delinquency existing at time case is opened.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17500&lawCode=FAM.

(a) In carrying out its obligations under Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.), the department and the local child support agency shall have the responsibility for promptly and effectively collecting and enforcing child support obligations.

(b) The department and the local child support agency are the public agencies responsible for administering wage withholding for the purposes of Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.).

(c) Except as provided in Section 17450, the local child support agency shall submit child support delinquencies to the department for purposes of supplementing the collection efforts of the local child support agencies. Submissions shall be in the form and manner and at the time prescribed by the department. Collection shall be made by the department in accordance with Section 17450. For purposes of this subdivision, "child support delinquency" means an arrearage or otherwise past due amount that accrues when an obligor fails to make any court-ordered support payment when due, which is more than 60 days past due, and the aggregate amount of which exceeds one hundred dollars (\$100).

(d) If a child support delinquency exists at the time a case is opened by the local child support agency, the responsibility for the collection of the child support delinquency shall be submitted to the department no later than 30 days after receipt of the case by the local child support agency.

.12-510.4 A case that meets the criteria specified in Section 12-510.1 need not be referred to FTB if any of the following conditions exist:

12-510.4.41 An earnings assignment order or a notice of assignment has been served on the obligated parent's employer and court-ordered support is being paid pursuant to the earnings assignment order or the notice of assignment, or at least 50 percent of the obligated parent's earnings are being withheld for support.

12-510.4.42 A jurisdiction outside this state is enforcing the support order.

Repeal MPP subsections 12-510.4 through 12-510.4.42. The FTB Child Support Program has been eliminated. DCSS operates the Financial Institution Data Match System which is administered by the FTB. Subsections are superseded by existing provisions.

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

[http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450
&lawCode=FAM](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450&lawCode=FAM).

(c) (1) The department may return or allow a local child support agency to retain a child support delinquency for a specified purpose for collection where the department determines that the return or retention of the delinquency for the purpose so specified will enhance the collectibility of the delinquency. The department shall establish a process whereby a local child support agency may request and shall be allowed to withdraw, rescind, or otherwise recall the submittal of an account that has been submitted.

(2) If an obligor is disabled, meets the federal Supplemental Security Income resource test, and is receiving Supplemental Security Income/State Supplementary Payments (SSI/SSP), or, but for excess income as described in Section 416.1100 and following of Part 416 of Title 20 of the Code of Federal Regulations, would be eligible to receive as SSI/SSP, pursuant to Section 12200 of the Welfare and Institutions Code, and the obligor has supplied the local child support agency with proof of his or her eligibility for, and, if applicable, receipt of, SSI/SSP or Social Security Disability Insurance benefits, then the child support delinquency shall not be referred to the department for collection, and, if referred, shall be withdrawn, rescinded, or otherwise recalled from the department by the local child support agency. The department shall not take any collection action, or if the local child support agency has already taken collection action, shall cease collection actions in the case of a disabled obligor when the delinquency is withdrawn, rescinded, or otherwise recalled by the local child support agency in accordance with the process established as described in paragraph (1).

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

FC § 17453. Financial Institution Data Match System; guidelines;...

[http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17453
&lawCode=FAM](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17453&lawCode=FAM).

(i) A child support delinquency need not be referred to the department for collection if a jurisdiction outside this state is enforcing the support order.

(j) (1) Each county shall notify the department upon the occurrence of the circumstances described in the following subparagraphs with respect to an obligor of past-due support:

(A) A court has ordered an obligor to make scheduled payments on a child support arrearages obligation and the obligor is in compliance with that order.

(B) An earnings assignment order or an order/notice to withhold income that includes an amount for past-due support has been served on the obligated parent's employer and earnings are being withheld pursuant to the earnings assignment order or an order/notice to withhold income.

(C) At least 50 percent of the obligated parent's earnings are being withheld for support.

FC § 17500. Responsibility of the department and local child support agency for collection and enforcement; administering wage withholding; submission of delinquencies; delinquency existing at time case is opened.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17500&lawCode=FAM.

(a) In carrying out its obligations under Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.), the department and the local child support agency shall have the responsibility for promptly and effectively collecting and enforcing child support obligations.

(b) The department and the local child support agency are the public agencies responsible for administering wage withholding for the purposes of Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.).

(c) Except as provided in Section 17450, the local child support agency shall submit child support delinquencies to the department for purposes of supplementing the collection efforts of the local child support agencies. Submissions shall be in the form and manner and at the time prescribed by the department. Collection shall be made by the department in accordance with Section 17450. For purposes of this subdivision, "child support delinquency" means an arrearage or otherwise past due amount that accrues when an obligor fails to make any court-ordered support payment when due, which is more than 60 days past due, and the aggregate amount of which exceeds one hundred dollars (\$100).

(d) If a child support delinquency exists at the time a case is opened by the local child support agency, the responsibility for the collection of the child support delinquency shall be submitted to the department no later than 30 days after receipt of the case by the local child support agency.

12-510.5 After referring a case, the district attorney shall provide the FTB with balance updates in accordance with the FTB's criteria for submitting that information specified in the Child Support Collection Program County Minimum Requirements.

12-510.5.51 Current FTB policy requires that, subsequent to the referral of a case, a district attorney shall notify the FTB within two working days of becoming aware of a case balance decrease of 25 percent, or \$1,000, whichever is greater.

12-510.5.52 Current FTB policy requires district attorneys to submit balance updates at least monthly.

Repeal MPP subsections 12-510.5 through 12-510.5.52. The duties and responsibilities of the district attorneys have been transferred to the LCSAs. The

FTB Child Support Program has been eliminated. DCSS operates the Financial Institution Data Match System which is administered by the FTB. Subsections are superseded by existing provisions.

FC § 17305. Transition from district attorney to local agency.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17305.

(a) In order to achieve an orderly and timely transition to the new system with minimal disruption of services, the director shall begin the transition from the office of the district attorney to the local child support agencies pursuant to Section 17304, commencing January 1, 2001.

FC § 17304. County departments of child support services; duties;...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17304.&lawCode=FAM.

...Each county shall establish a new county department of child support services. Each department is also referred to in this division as the local child support agency.

(b) The director shall have direct oversight and supervision of the Title IV-D operations of the local child support agency, and no other local or state agency shall have any authority over the local child support agency as to any function relating to its Title IV-D operations. The local child support agency shall be responsible for the performance of child support enforcement activities required by law and regulation in a manner prescribed by the department. The administrator of the local child support agency shall be responsible for reporting to and responding to the director on all aspects of the child support program.

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450.&lawCode=FAM.

(c) (1) The department may return or allow a local child support agency to retain a child support delinquency for a specified purpose for collection where the department determines that the return or retention of the delinquency for the purpose so specified will enhance the collectibility of the delinquency. The department shall establish a process whereby a local child support agency may request and shall be allowed to withdraw, rescind, or otherwise recall the submittal of an account that has been submitted.

(2) If an obligor is disabled, meets the federal Supplemental Security Income resource test, and is receiving Supplemental Security Income/State Supplementary Payments (SSI/SSP), or, but for excess income as described in Section 416.1100 and following of Part 416 of Title 20 of the Code of Federal Regulations, would be eligible to receive as SSI/SSP, pursuant to Section 12200 of the Welfare and Institutions Code, and the obligor has supplied the local child support agency with proof of his or her eligibility for, and, if applicable, receipt of, SSI/SSP or Social Security Disability Insurance benefits, then the child support delinquency shall not be referred to the department for

collection, and, if referred, shall be withdrawn, rescinded, or otherwise recalled from the department by the local child support agency. The department shall not take any collection action, or if the local child support agency has already taken collection action, shall cease collection actions in the case of a disabled obligor when the delinquency is withdrawn, rescinded, or otherwise recalled by the local child support agency in accordance with the process established as described in paragraph (1).

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

FC § 17453. Financial Institution Data Match System; guidelines;...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17453.&lawCode=FAM.

(c) (1) Until implementation of the California Child Support Automation System, each county shall compile a file of support obligors with judgments and orders that are being enforced by local child support agencies pursuant to Section 17400, and who are past due in the payment of their support obligations. The file shall be compiled, updated, and forwarded to the department, in accordance with the guidelines prescribed by the department.

(j) (6) The local child support agency shall notify the department within two business days of the receipt of a claim of exemption from an obligor. The department shall direct the financial institution subject to the order to withhold to hold any funds subject to the order pending notification by the department to remit or release the amounts held.

FC § 17500. Responsibility of the department and local child support agency for collection and enforcement; administering wage withholding; submission of delinquencies; delinquency existing at time case is opened.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17500.&lawCode=FAM.

(a) In carrying out its obligations under Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.), the department and the local child support agency shall have the responsibility for promptly and effectively collecting and enforcing child support obligations.

(b) The department and the local child support agency are the public agencies responsible for administering wage withholding for the purposes of Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.).

(c) Except as provided in Section 17450, the local child support agency shall submit child support delinquencies to the department for purposes of supplementing the collection efforts of the local child support agencies. Submissions shall be in the form and manner and at the time prescribed by the department. Collection shall be made by the department in accordance with Section 17450. For purposes of this subdivision, "child support delinquency" means an arrearage or otherwise past due amount that accrues when an obligor fails to make any court-ordered support payment when due, which is more than 60 days past due, and the aggregate amount of which exceeds one hundred dollars (\$100).

(d) If a child support delinquency exists at the time a case is opened by the local child support agency, the responsibility for the collection of the child support delinquency shall be submitted to the department no later than 30 days after receipt of the case by the local child support agency.

FC § 17520. License applicants; compliance with support orders; license issuance, renewal and suspension; review.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17520.&lawCode=FAM.

(a)(4) "Compliance with a judgment or order for support" means that, as set forth in a judgment or order for child or family support, the obligor is no more than 30 calendar days in arrears in making payments in full for current support, in making periodic payments in full, whether court ordered or by agreement with the local child support agency, on a support arrearage, or in making periodic payments in full, whether court ordered or by agreement with the local child support agency, on a judgment for reimbursement for public assistance, or has obtained a judicial finding that equitable estoppel as provided in statute or case law precludes enforcement of the order. The local child support agency is authorized to use this section to enforce orders for spousal support only when the local child support agency is also enforcing a related child support obligation owed to the obligee parent by the same obligor, pursuant to Sections 17400 and 17604.

(b) The local child support agency shall maintain a list of those persons included in a case being enforced under Title IV-D of the federal Social Security Act against whom a support order or judgment has been rendered by, or registered in, a court of this state, and who are not in compliance with that order or judgment. The local child support agency shall submit a certified list with the names, social security numbers, and last known addresses of these persons and the name, address, and telephone number of the local child support agency who certified the list to the department. The local child support agency shall verify, under penalty of perjury, that the persons listed are subject to an order or judgment for the payment of support and that these persons are not in compliance with the order or judgment. The local child support agency shall submit to the department an updated certified list on a monthly basis.

(c) The department shall consolidate the certified lists received from the local child support agencies and, within 30 calendar days of receipt, shall provide a copy of the consolidated list to each board that is responsible for the regulation of licenses, as specified in this section.

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Section 11350.6, Welfare and Institutions Code; Sections 19271(a) and (e) and 19271.5, Revenue and Taxation Code; and Section 4722(a), Family Code.

WIC § 10553 refers to the administration of public social services by the director of the California Department of Social Services (CDSS).

WIC § 10554 gives CDSS the authority to adopt regulations, orders, or standards to implement, interpret, or make specific the law enforced by that department. Since the advent of DCSS, CDSS no longer adopts regulations, orders, or standards pertaining to child support.

WIC § 11475 designated CDSS as the single organizational unit to administer the state plan for child support. (Repealed in 1999.)

WIC § 11479.5 gave CDSS the authority to develop and implement regulations regarding family support enforcement. (Repealed in 1999.)

WIC § 11350.6 established requirements for the State Licensing Match System. This section was amended and adopted as FC § 17520, effective January 1, 2000.

RTC §§ 19271(a) and 19271.5 were repealed in 2009.

FC § 4722 authorizes penalties for child support delinquencies.

12-515 COMPLAINTS

12-515.1 When the FTB or a noncustodial parent contacts the district attorney pertaining to a noncustodial parent's complaint that he/she conforms to the provisions of Section 12-510.3, the district attorney shall take the following action(s):

12-515.1.11 If the district attorney is unable to determine whether the conditions of Section 12-510.3 are met within one working day, the district attorney shall immediately notify the FTB to temporarily suspend collection action on the case until further instructions are provided.

12-515.1.12 If the complaint is determined to be valid, the district attorney shall notify the FTB to cease all collection action and immediately return the case.

Repeal MPP subsections 12-515.1 through 12-515.1.12. The duties and responsibilities of the district attorneys have been transferred to the LCSAs. The FTB Child Support Program has been eliminated. Subsection 12-510.3 references RTC § 19271(e)(3) which has been repealed. Similar provisions are contained in FC § 17450(c). Subsections are superseded by existing provisions that address the complaint resolution process.

FC § 17305. Transition from district attorney to local agency.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17305.

(a) In order to achieve an orderly and timely transition to the new system with minimal disruption of services, the director shall begin the transition from the office of the district attorney to the local child support agencies pursuant to Section 17304, commencing January 1, 2001.

FC § 17304. County departments of child support services; duties;...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17304&lawCode=FAM.

...Each county shall establish a new county department of child support services.

Each department is also referred to in this division as the local child support agency.

(b) The director shall have direct oversight and supervision of the Title IV-D operations of the local child support agency, and no other local or state agency shall have any authority over the local child support agency as to any function relating to its Title IV-D operations. The local child support agency shall be responsible for the performance of child support enforcement activities required by law and regulation in a manner prescribed by the department. The administrator of the local child support agency shall be responsible for reporting to and responding to the director on all aspects of the child support program.

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450.&lawCode=FAM.

(c) (1) The department may return or allow a local child support agency to retain a child support delinquency for a specified purpose for collection where the department determines that the return or retention of the delinquency for the purpose so specified will enhance the collectibility of the delinquency. The department shall establish a process whereby a local child support agency may request and shall be allowed to withdraw, rescind, or otherwise recall the submittal of an account that has been submitted.

(2) If an obligor is disabled, meets the federal Supplemental Security Income resource test, and is receiving Supplemental Security Income/State Supplementary Payments (SSI/SSP), or, but for excess income as described in Section 416.1100 and following of Part 416 of Title 20 of the Code of Federal Regulations, would be eligible to receive as SSI/SSP, pursuant to Section 12200 of the Welfare and Institutions Code, and the obligor has supplied the local child support agency with proof of his or her eligibility for, and, if applicable, receipt of, SSI/SSP or Social Security Disability Insurance benefits, then the child support delinquency shall not be referred to the department for collection, and, if referred, shall be withdrawn, rescinded, or otherwise recalled from the department by the local child support agency. The department shall not take any collection action, or if the local child support agency has already taken collection action, shall cease collection actions in the case of a disabled obligor when the delinquency is withdrawn, rescinded, or otherwise recalled by the local child support agency in accordance with the process established as described in paragraph (1).

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

FC § 17500. Responsibility of the department and local child support agency for collection and enforcement; administering wage withholding; submission of delinquencies; delinquency existing at time case is opened.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17500.&lawCode=FAM.

(a) In carrying out its obligations under Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.), the department and the local child support agency shall have the responsibility for promptly and effectively collecting and enforcing child support obligations.

(b) The department and the local child support agency are the public agencies responsible for administering wage withholding for the purposes of Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.).

(c) Except as provided in Section 17450, the local child support agency shall submit child support delinquencies to the department for purposes of supplementing the collection efforts of the local child support agencies. Submissions shall be in the form and manner and at the time prescribed by the department. Collection shall be made by the department in accordance with Section 17450. For purposes of this subdivision, "child support delinquency" means an arrearage or otherwise past due amount that accrues when an obligor fails to make any court-ordered support payment when due, which is more than 60 days past due, and the aggregate amount of which exceeds one hundred dollars (\$100).

(d) If a child support delinquency exists at the time a case is opened by the local child support agency, the responsibility for the collection of the child support delinquency shall be submitted to the department no later than 30 days after receipt of the case by the local child support agency.

FC § 17800. Process; forms and procedures; complaint time limitations.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17800.&lawCode=FAM.

Each local child support agency shall maintain a complaint resolution process. The department shall specify by regulation, no later than July 1, 2001, uniform forms and procedures that each local child support agency shall use in resolving all complaints received from custodial and noncustodial parents. A complaint shall be made within 90 days after the custodial or noncustodial parent affected knew or should have known of the child support action complained of. The local child support agency shall provide a written resolution of the complaint within 30 days of the receipt of the complaint. The director of the local child support agency may extend the period for resolution of the complaint an additional 30 days in accordance with the regulations adopted pursuant to Section 17804.

FC § 17802. Complaint concerning action or inaction of Franchise Tax Board; resolution; hearing.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17802.&lawCode=FAM.

To the extent that a custodial or noncustodial parent has a complaint concerning the action or inaction of the Franchise Tax Board in any child support case referred to the Franchise Tax Board pursuant to Section 17400, that complaint shall be resolved pursuant to Section 17800 by the local child support agency that is responsible for the case. The Franchise Tax Board shall cooperate with the local child support agency in resolving the complaint within the timeframes required by Section 17800. If the custodial or noncustodial parent requests a hearing pursuant to Section 17801, the Franchise Tax Board shall ensure that a representative attends the hearing if deemed necessary by the local child support agency.

FC § 17804. Time frames for process establishment and state hearing requirement implementation.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17804.&lawCode=FAM.

Each local child support agency shall establish the complaint resolution process specified in Section 17800. The department shall implement the state hearing requirements specified in Section 17801 no later than July 1, 2001.

22 CCR § 120101. Right to Complaint Resolution.

[https://govt.westlaw.com/calregs/Document/I1CEE9CF0D4C111DE8879F88E8B0DA AAE?viewType=FullText&originationContext=documenttoc&transitionType=Category PageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I1CEE9CF0D4C111DE8879F88E8B0DA AAE?viewType=FullText&originationContext=documenttoc&transitionType=Category PageItem&contextData=(sc.Default)).

(a) A complainant shall have the right to make a request for complaint resolution subject to the requirements of this Article. The subject of a complaint may pertain to any local child support agency or Franchise Tax Board child support action or inaction, except the following:

(1) Complaints arising from a child support matter which must, by law, be addressed by motion, order to show cause, or appeal, in a court of law, unless an administrative review is provided for by statute.

(2) A review of any of the following:

(A) A court order for child support or child support arrears.

(B) A court order or equivalent determination of paternity.

(C) A court order for spousal support.

(3) Child custody determinations.

(4) Child visitation determinations.

(b) All requests for complaint resolution shall:

(1) Be made within 90 days after a complainant knew, or should have known of the complained of child support action or inaction. A complainant shall be presumed to have known of a complained of action or inaction under the following circumstances:

(A) Five (5) business days after the postmark date of the written notice regarding an action or inaction which is the basis of a complaint.

(B) In the absence of any evidence to the contrary, the date a complainant alleges knowledge for the basis of a complaint, or the date a complainant notified a local child support agency of the subject of the complaint.

(2) Be directed to a local child support agency.

(A) Each local child support agency shall encourage, but not require, a complainant to make a written complaint on the "Request for Complaint Resolution," LCR001, dated (12/01), incorporated by reference herein.

(B) Each local child support agency shall document a complainant's oral complaint on the "Request for Complaint Resolution," LCR001, dated (12/01), and mail a copy of the completed LCR001 to the complainant no later than five (5) business days after receiving an oral complaint. The local child support agency shall mail to the complainant the forms required by Section 120102.

(3) Include the following information:

(A) A complainant's name and address, and if available, phone number, FAX number, and e-mail address.

- (B) The local child support agency case number.
- (C) A description of the local child support agency or Franchise Tax Board action or inaction a complainant requests to have resolved.
- (c) A request for complaint resolution shall not be deemed invalid for failure to include the information required by subsection (b)(3)(B).

12-515.2 If a noncustodial parent requests relief from collection of his or her support obligation through the FTB Child Support Collection Program because of a claim of hardship, the district attorney shall review the case and make a determination on the hardship claim as follows:

12-515.2.21 The burden of producing evidence in support of a claim of hardship shall be on the noncustodial parent.

12-515.2.22 Upon initial contact from the noncustodial parent, the district attorney shall inform him or her of the following:

12-515.2.22.221 That the noncustodial parent is responsible for providing any documentation, if requested, that is necessary for the district attorney to make a hardship determination; and

12-515.2.22.222 That the claim of hardship may be denied if documentation requested by the district attorney is not provided within a reasonable time, not to exceed 15 days of the date of the request.

12-515.2.23 The noncustodial parent shall be informed that the district attorney will attempt to make a determination concerning the claim of hardship within five working days of receipt of the claim and the requested documentation, and that the five-day time frame begins upon the district attorneys receipt of the requested documentation.

Repeal MPP subsections 12-515.2 through 12-515.2.23. The duties and responsibilities of the district attorneys have been transferred to the LCSAs. The FTB Child Support Program has been eliminated. Claims of hardship follow the review and adjustment process rather than the complaint resolution process. Subsections are superseded by existing provisions.

FC § 17305. Transition from district attorney to local agency.

[http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17305.](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17305)

(a) In order to achieve an orderly and timely transition to the new system with minimal disruption of services, the director shall begin the transition from the office of the district attorney to the local child support agencies pursuant to Section 17304, commencing January 1, 2001.

FC § 17304. County departments of child support services; duties;...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17304.&lawCode=FAM.

...Each county shall establish a new county department of child support services. Each department is also referred to in this division as the local child support agency.

(b) The director shall have direct oversight and supervision of the Title IV-D operations of the local child support agency, and no other local or state agency shall have any authority over the local child support agency as to any function relating to its Title IV-D operations. The local child support agency shall be responsible for the performance of child support enforcement activities required by law and regulation in a manner prescribed by the department. The administrator of the local child support agency shall be responsible for reporting to and responding to the director on all aspects of the child support program.

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450.&lawCode=FAM.

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

FC § 17500. Responsibility of the department and local child support agency for collection and enforcement; administering wage withholding; submission of delinquencies; delinquency existing at time case is opened.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17500.&lawCode=FAM.

(a) In carrying out its obligations under Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.), the department and the local child support agency shall have the responsibility for promptly and effectively collecting and enforcing child support obligations.

(b) The department and the local child support agency are the public agencies responsible for administering wage withholding for the purposes of Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.).

(c) Except as provided in Section 17450, the local child support agency shall submit child support delinquencies to the department for purposes of supplementing the collection efforts of the local child support agencies. Submissions shall be in the form

and manner and at the time prescribed by the department. Collection shall be made by the department in accordance with Section 17450. For purposes of this subdivision, "child support delinquency" means an arrearage or otherwise past due amount that accrues when an obligor fails to make any court-ordered support payment when due, which is more than 60 days past due, and the aggregate amount of which exceeds one hundred dollars (\$100).

(d) If a child support delinquency exists at the time a case is opened by the local child support agency, the responsibility for the collection of the child support delinquency shall be submitted to the department no later than 30 days after receipt of the case by the local child support agency.

45 CFR § 303.8. Review and adjustment of child support orders.

<http://www.gpo.gov/fdsys/pkg/CFR-2010-title45-vol2/pdf/CFR-2010-title45-vol2-sec303-8.pdf>.

(b)(6) The State must have procedures under which, in the case of a request for a review, and if appropriate, an adjustment outside the 3-year cycle (or such shorter cycle as the State may determine) under paragraph (b)(1) of this section, the State shall review and, if the requesting party demonstrates a substantial change in circumstances, adjust the order in accordance with the guidelines established pursuant to section 467(a) of the Act.

FC § 4071. Financial hardship; evidence.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4071.&lawCode=FAM.

(a) Circumstances evidencing hardship include the following:

(1) Extraordinary health expenses for which the parent is financially responsible, and uninsured catastrophic losses.

(2) The minimum basic living expenses of either parent's natural or adopted children for whom the parent has the obligation to support from other marriages or relationships who reside with the parent. The court, on its own motion or on the request of a party, may allow these income deductions as necessary to accommodate these expenses after making the deductions allowable under paragraph (1).

(b) The maximum hardship deduction under paragraph (2) of subdivision (a) for each child who resides with the parent may be equal to, but shall not exceed, the support allocated each child subject to the order. For purposes of calculating this deduction, the amount of support per child established by the statewide uniform guideline shall be the total amount ordered divided by the number of children and not the amount established under paragraph (8) of subdivision (b) of Section 4055.

(c) The Judicial Council may develop tables in accordance with this section to reflect the maximum hardship deduction, taking into consideration the parent's net disposable income before the hardship deduction, the number of children for whom the deduction is being given, and the number of children for whom the support award is being made.

22 CCR § 115510. Processing a Review for Adjustment of a Support Order - Request by a Party.

[https://govt.westlaw.com/calregs/Document/I0803B190D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I0803B190D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).

(a) When the local child support agency becomes aware, during communication with a party to a child support order with a current support obligation, that a change in circumstance pursuant to Section 115520 appears to exist, the local child support agency shall ask if the party wants the local child support agency to review the case and, if appropriate pursuant to Section 115535, seek an adjustment. The local child support agency shall:

(1) Immediately make a verbal inquiry if the local child support agency becomes aware of an apparent change in circumstance during verbal communication with a party.

(2) Make a verbal or written inquiry within 15 business days of becoming aware of an apparent change in circumstance by written communication from a party.

(b) Within 180 days from the date of a request for review for adjustment; or the date a non-requesting party has been located, whichever is later, the local child support agency shall conduct a review of the order and obtain an adjusted order, or determine that the order should not be adjusted. The date of receipt of the request is the date the requesting party provides current and complete income and expense Judicial Council forms and requested documents to the local child support agency.

(c) A local child support agency may, but is not required, to review a case for adjustment if the case has been reviewed for adjustment within the last six months and nothing has changed. If the local child support agency exercises its discretion not to review a case based upon this subsection, the local child support agency shall terminate the review and adjustment process in accordance with Section 115545(c).

(d) Interstate cases shall be handled pursuant to Title 22 California Code of Regulations, Section 117403.

(e) Within 15 business days of receiving an oral or written request for review for adjustment, the local child support agency shall:

(1) Determine whether one of the following appears to exist:

(A) A change in circumstance pursuant to Section 115520 is reasonably expected to last for more than three months.

(B) The parties stipulated to a child support order below the amount established by the statewide uniform guideline. No change of circumstance need be demonstrated to obtain an adjustment of the child support order to the applicable guideline level or above.

(C) A request is based upon the need to include a provision for medical support in the child support order.

(2) Terminate the review and adjustment process in accordance with Section 115545(c) if none of the three situations set forth in Section 115510(e)(1) appears to exist.

(3) Proceed pursuant to 22 California Code of Regulations, Section 116114 if a request is based upon the need to include a provision for medical support in the child support order.

(4) Take the following actions if a change in circumstance appears to exist pursuant to Section 115520 and is reasonably expected to last for more than three months, or the

parties stipulated to a child support order below the amount established by statewide uniform guideline:

(A) Determine whether the non-requesting party's location is known.

(B) Determine whether a requesting party, who is a non-custodial parent, has multiple cases within the county. If so, the local child support agency shall proceed pursuant to Section 115510(e)(6)(E).

(5) Follow the procedure set forth in Section 115550 if the location of a non-requesting party is unknown.

(6) Provide to all parties, on the same date, by mail or personal delivery, the appropriate income and expense Judicial Council forms and/or a written notice as follows if the non-requesting party's location is known:

(A) A requesting party, who is a parent, shall be provided with the appropriate income and expense Judicial Council forms and a written notice. The written notice shall include the following information:

(i) The requesting party's current and complete income and expense Judicial Council forms, and requested documents are required to process the request for review for adjustment.

(ii) No action will be taken by the local child support agency until the requesting party provides current and complete income and expense Judicial Council forms and requested documents to the local child support agency.

(iii) The requesting party's failure to submit current and complete income and expense Judicial Council forms and requested documents to the local child support agency within 20 business days from the date of the notice will result in the local child support agency terminating the review and adjustment process.

(iv) The date of receipt of the request for review for adjustment is the date the requesting party provides current and complete income and expense Judicial Council forms, and requested documents to the local child support agency.

(B) A requesting party, who is not a parent, shall be provided with a written notice. The written notice shall include the following information:

(i) An acknowledgement of receipt of the request for review for adjustment.

(ii) The local child support agency's request that the requesting party provide information, which may affect a child support determination, within 20 business days of the date of the notice.

(C) A non-requesting party, who is a parent, shall be provided with the appropriate income and expense Judicial Council forms and a written notice. The written notice shall include all of the following information:

(i) A request for a review for adjustment has been made by another party.

(ii) The local child support agency requests that the non-requesting party provide his or her current and complete income and expense Judicial Council forms and requested documents.

(iii) The non-requesting party's failure to submit current and complete income and expense Judicial Council forms and requested documents to the local child support agency within 20 business days from the date of the notice will result in the local child support agency proceeding with the review for adjustment based upon the information provided by the other party and/or other verified information obtained by the local child support agency.

(D) A non-requesting party, who is not a parent, shall be provided with a written notice. The written notice shall include the following information:

- (i) A request for a review for adjustment has been made by another party.
- (ii) The local child support agency's request that the non-requesting party provide information, which may affect a child support determination, within 20 business days of the date of the notice.

(E) When a requesting party is a non-custodial parent who has multiple cases with the local child support agency, the local child support agency shall:

- (i) Provide the forms and notice as discussed in Section 115510(e)(6)(A) to the requesting party and add a provision to the notice which states that a request for review for adjustment will be construed as a request for review of all of the party's cases within the county.
- (ii) Process each of the custodial parties' cases collectively, if possible. If the location of a non-requesting party is unknown, the local child support agency shall follow the procedure set forth in Section 115550 for that particular non-requesting party. If the location of a non-requesting party is known, the local child support agency shall continue to process the request for review for adjustment by providing the forms and/or written notices to the non-requesting party as set forth in Section 115510(e)(6)(C) and (D).
- (f) Within 15 business days of receipt of the requesting party's income and expense Judicial Council forms and requested documents, the local child support agency shall review the requesting party's income and expense Judicial Council forms and requested documents for completeness and, if incomplete, notify the requesting party, verbally or in writing, of the following:
 - (1) The requesting party's complete income and expense Judicial Council forms and requested documents are required before commencement of the review for adjustment.
 - (2) The specific deficiencies of the income and expense forms and/or failure to submit the forms or requested documents.
 - (3) Failure to correct the deficiencies within 35 business days of the date of the initial notice set forth in Section 115510(e)(6)(A) will result in the local child support agency terminating the review and adjustment process.
- (g) Any alteration(s) to the requesting party's income and expense Judicial Council forms requires the requesting party's signature prior to a hearing.
- (h) If the requesting party fails to correct the deficiencies within 35 business days of the date of the initial notice set forth in Section 115510(e)(6)(A), the local child support agency shall terminate the review and adjustment process pursuant to Section 115545(c).
- (i) If the requesting party completes and submits income and expense Judicial Council forms and requested documents, the local child support agency shall review for adjustment as set forth in Section 115535 using the following, if applicable:
 - (1) The non-requesting party's complete and current income and expense Judicial Council forms and requested documents if the non-requesting party submitted such forms and requested documents within 20 business days of the date of the written notices as set forth in Section 115510(e)(6).

(2) The presumption as discussed in Section 115540 if the non-requesting party failed to submit current income and expense Judicial Council forms and requested documents within 20 business days of the date of the written notices as set forth in Section 115510(e)(6) and the presumption criteria is met.

(3) The court findings pursuant to Family Code Section 4058(b).

(4) The non-requesting party's current income and expense information contained within the case file and/or information obtained through automated locate tools and the Federal Case Registry.

22 CCR § 115520. Changes in Circumstances - Review Requested by a Party.

[https://govt.westlaw.com/calregs/Document/I08365A50D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)&bhcp=1](https://govt.westlaw.com/calregs/Document/I08365A50D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1).

(a) Any of the following changes in circumstances or combination of changes in circumstances shall be considered a basis for a review for adjustment. Changes in circumstances may include: ...

(4) A financial hardship on the obligee or obligor, as defined in Family Code Section 4071.

12-515.2.24 To make a determination about a claim of hardship, the district attorney shall:

12-515.2.24.241 Review documentation provided by the noncustodial parent.

12-515.2.24.242 Consider the examples of circumstances evidencing hardship provided in Family Code Section 4071.

Repeal MPP subsections 12-515.2.24 through 12-515.2.24.242. The duties and responsibilities of the district attorneys have been transferred to the LCSAs. The FTB Child Support Program has been eliminated. Subsections are superseded by existing provisions.

FC § 17305. Transition from district attorney to local agency.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17305.

(a) In order to achieve an orderly and timely transition to the new system with minimal disruption of services, the director shall begin the transition from the office of the district attorney to the local child support agencies pursuant to Section 17304, commencing January 1, 2001.

FC § 17304. County departments of child support services; duties;...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17304.&lawCode=FAM.

...Each county shall establish a new county department of child support services. Each department is also referred to in this division as the local child support agency.

(b) The director shall have direct oversight and supervision of the Title IV-D operations of the local child support agency, and no other local or state agency shall have any authority over the local child support agency as to any function relating to its Title IV-D operations. The local child support agency shall be responsible for the performance of child support enforcement activities required by law and regulation in a manner prescribed by the department. The administrator of the local child support agency shall be responsible for reporting to and responding to the director on all aspects of the child support program.

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450.&lawCode=FAM.

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

45 CFR § 303.8. Review and adjustment of child support orders.

<http://www.gpo.gov/fdsys/pkg/CFR-2010-title45-vol2/pdf/CFR-2010-title45-vol2-sec303-8.pdf>.

(b)(5) The State must have procedures under which, in the case of a request for a review, and if appropriate, an adjustment outside the 3-year cycle (or such shorter cycle as the State may determine) under paragraph (b)(1) of this section, the State shall review and, if the requesting party demonstrates a substantial change in circumstances, adjust the order in accordance with the guidelines established pursuant to section 467(a) of the Act.

FC § 4071. Financial hardship; evidence.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4071.&lawCode=FAM.

(a) Circumstances evidencing hardship include the following:

(1) Extraordinary health expenses for which the parent is financially responsible, and uninsured catastrophic losses.

(2) The minimum basic living expenses of either parent's natural or adopted children for whom the parent has the obligation to support from other marriages or relationships who reside with the parent. The court, on its own motion or on the

request of a party, may allow these income deductions as necessary to accommodate these expenses after making the deductions allowable under paragraph (1).

(b) The maximum hardship deduction under paragraph (2) of subdivision (a) for each child who resides with the parent may be equal to, but shall not exceed, the support allocated each child subject to the order. For purposes of calculating this deduction, the amount of support per child established by the statewide uniform guideline shall be the total amount ordered divided by the number of children and not the amount established under paragraph (8) of subdivision (b) of Section 4055.

(c) The Judicial Council may develop tables in accordance with this section to reflect the maximum hardship deduction, taking into consideration the parent's net disposable income before the hardship deduction, the number of children for whom the deduction is being given, and the number of children for whom the support award is being made.

22 CCR § 115510. Processing a Review for Adjustment of a Support Order - Request by a Party.

[https://govt.westlaw.com/calregs/Document/I0803B190D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I0803B190D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).

(e) Within 15 business days of receiving an oral or written request for review for adjustment, the local child support agency shall:

(1) Determine whether one of the following appears to exist:

(A) A change in circumstance pursuant to Section 115520 is reasonably expected to last for more than three months.

(i) If the requesting party completes and submits income and expense Judicial Council forms and requested documents, the local child support agency shall review for adjustment as set forth in Section 115535 using the following, if applicable:

(1) The non-requesting party's complete and current income and expense Judicial Council forms and requested documents if the non-requesting party submitted such forms and requested documents within 20 business days of the date of the written notices as set forth in Section 115510(e)(6).

22 CCR § 115520. Changes in Circumstances - Review Requested by a Party.

[https://govt.westlaw.com/calregs/Document/I08365A50D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)&bhcp=1](https://govt.westlaw.com/calregs/Document/I08365A50D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1).

(a) Any of the following changes in circumstances or combination of changes in circumstances shall be considered a basis for a review for adjustment. Changes in circumstances may include: ...

(4) A financial hardship on the obligee or obligor, as defined in Family Code Section 4071.

12-515.2.25 If the district attorney cannot make a determination of the claim of hardship within five working days of receiving documentation from the noncustodial parent, the district attorney shall advise the FTB to suspend collection action until further notice. (See definition of Suspend Collection Action at Section 12-501.2(s)(1).)

12-515.2.26 The district attorney shall make a determination on a claim of hardship, in compliance with Section 706.075 of the Code of Civil Procedure, within 15 days of receiving the claim and the requested documentation, or the district attorney must withdraw the case from the FTB Child Support Collection Program until such time that the hardship determination is made.

Repeal MPP subsections 12-515.2.25 through 12-515.2.26. The duties and responsibilities of the district attorneys have been transferred to the LCSAs. The FTB Child Support Program has been eliminated. Subsections are superseded by existing provisions.

FC § 17305. Transition from district attorney to local agency.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17305.

(a) In order to achieve an orderly and timely transition to the new system with minimal disruption of services, the director shall begin the transition from the office of the district attorney to the local child support agencies pursuant to Section 17304, commencing January 1, 2001.

FC § 17304. County departments of child support services; duties;...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17304.&lawCode=FAM.

...Each county shall establish a new county department of child support services. Each department is also referred to in this division as the local child support agency.

(b) The director shall have direct oversight and supervision of the Title IV-D operations of the local child support agency, and no other local or state agency shall have any authority over the local child support agency as to any function relating to its Title IV-D operations. The local child support agency shall be responsible for the performance of child support enforcement activities required by law and regulation in a manner prescribed by the department. The administrator of the local child support agency shall be responsible for reporting to and responding to the director on all aspects of the child support program.

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450.&lawCode=FAM.

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director,

by letter to the executive officer of the Franchise Tax Board, revokes such delegation of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

45 CFR § 303.8. Review and adjustment of child support orders.

<http://www.gpo.gov/fdsys/pkg/CFR-2010-title45-vol2/pdf/CFR-2010-title45-vol2-sec303-8.pdf>.

(b)(5) The State must have procedures under which, in the case of a request for a review, and if appropriate, an adjustment outside the 3-year cycle (or such shorter cycle as the State may determine) under paragraph (b)(1) of this section, the State shall review and, if the requesting party demonstrates a substantial change in circumstances, adjust the order in accordance with the guidelines established pursuant to section 467(a) of the Act.

FC § 4071. Financial hardship; evidence.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4071.&lawCode=FAM.

(a) Circumstances evidencing hardship include the following:

(1) Extraordinary health expenses for which the parent is financially responsible, and uninsured catastrophic losses.

(2) The minimum basic living expenses of either parent's natural or adopted children for whom the parent has the obligation to support from other marriages or relationships who reside with the parent. The court, on its own motion or on the request of a party, may allow these income deductions as necessary to accommodate these expenses after making the deductions allowable under paragraph (1).

(b) The maximum hardship deduction under paragraph (2) of subdivision (a) for each child who resides with the parent may be equal to, but shall not exceed, the support allocated each child subject to the order. For purposes of calculating this deduction, the amount of support per child established by the statewide uniform guideline shall be the total amount ordered divided by the number of children and not the amount established under paragraph (8) of subdivision (b) of Section 4055.

(c) The Judicial Council may develop tables in accordance with this section to reflect the maximum hardship deduction, taking into consideration the parent's net disposable income before the hardship deduction, the number of children for whom the deduction is being given, and the number of children for whom the support award is being made.

22 CCR § 115510. Processing a Review for Adjustment of a Support Order - Request by a Party.

[https://govt.westlaw.com/calregs/Document/I0803B190D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I0803B190D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).

(e) Within 15 business days of receiving an oral or written request for review for adjustment, the local child support agency shall:

(1) Determine whether one of the following appears to exist:

(A) A change in circumstance pursuant to Section 115520 is reasonably expected to last for more than three months.

(i) If the requesting party completes and submits income and expense Judicial Council forms and requested documents, the local child support agency shall review for adjustment as set forth in Section 115535 using the following, if applicable:

(1) The non-requesting party's complete and current income and expense Judicial Council forms and requested documents if the non-requesting party submitted such forms and requested documents within 20 business days of the date of the written notices as set forth in Section 115510(e)(6).

... (6) Provide to all parties, on the same date, by mail or personal delivery, the appropriate income and expense Judicial Council forms and/or a written notice as follows if the non-requesting party's location is known:

(A) A requesting party, who is a parent, shall be provided with the appropriate income and expense Judicial Council forms and a written notice. The written notice shall include the following information:

(i) The requesting party's current and complete income and expense Judicial Council forms, and requested documents are required to process the request for review for adjustment.

(ii) No action will be taken by the local child support agency until the requesting party provides current and complete income and expense Judicial Council forms and requested documents to the local child support agency.

(iii) The requesting party's failure to submit current and complete income and expense Judicial Council forms and requested documents to the local child support agency within 20 business days from the date of the notice will result in the local child support agency terminating the review and adjustment process.

(iv) The date of receipt of the request for review for adjustment is the date the requesting party provides current and complete income and expense Judicial Council forms, and requested documents to the local child support agency.

22 CCR § 115520. Changes in Circumstances - Review Requested by a Party.

[https://govt.westlaw.com/calregs/Document/I08365A50D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)&bhcp=1](https://govt.westlaw.com/calregs/Document/I08365A50D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1).

(a) Any of the following changes in circumstances or combination of changes in circumstances shall be considered a basis for a review for adjustment. Changes in circumstances may include: ...

(4) A financial hardship on the obligee or obligor, as defined in Family Code Section 4071.

22 CCR § 115535. Review for Adjustment.

[https://govt.westlaw.com/calregs/Document/I08CC0AA0D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I08CC0AA0D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).

(a) Within 40 business days of the date of the written notices provided to a party as set forth in Sections 115510(f)(6), or 115525. The local child support agency shall:

(1) Verify whether either of the following situations exists:

(A) A change in circumstance pursuant to either Section 115520 or Section 115530 exists and is reasonably expected to last for more than three months.

(B) The parties stipulated to a child support order below the amount established by the statewide uniform guideline. No change of circumstance need be demonstrated to obtain an adjustment of the child support order to the applicable guideline level or above.

(2) Terminate the review and adjustment process in accordance with 115545(c), if such a change in circumstance does not exist or is not reasonably expected to last for more than three months, and the parties did not stipulate to a child support order below the amount established by the statewide uniform guideline.

(3) Determine whether the amount of the support would be altered, upward or downward, by at least 20% or \$50, whichever is less, in instances where a change in circumstance exists and is reasonably expected to last for more than three months, or the parties stipulated to a child support order below the amount established by statewide uniform guideline. The LCSA shall determine the 20% or \$50 alteration by either:

(A) Calculating the guideline amount based upon the income and expense information of the parties, or

(B) Presuming that the amount of the support is altered, if the presumption criteria in Section 115540 is met.

(b) The local child support agency shall use the income and expense Judicial Council forms and requested documents provided by a party and/or income and expense information obtained by the local child support agency instead of presuming a 20% or \$50 alteration in the child support amount to calculate the guideline amount if the information is provided or obtained at any time prior to the court order modifying the amount of support.

12-515.2.26.261 If a delay of a determination of a claim of hardship is due to the noncustodial parents failure to provide the requested documentation, the district attorney may proceed with collection action on the case.

Repeal MPP subsections 12-515.2.25 through 12-515.2.26. The duties and responsibilities of the district attorneys have been transferred to the LCSAs. The FTB Child Support Program has been eliminated. Subsections are superseded by existing provisions.

FC § 17305. Transition from district attorney to local agency.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17305.

(a) In order to achieve an orderly and timely transition to the new system with minimal disruption of services, the director shall begin the transition from the office of the district attorney to the local child support agencies pursuant to Section 17304, commencing January 1, 2001.

FC § 17304. County departments of child support services; duties;...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17304.&lawCode=FAM.

...Each county shall establish a new county department of child support services. Each department is also referred to in this division as the local child support agency.

(b) The director shall have direct oversight and supervision of the Title IV-D operations of the local child support agency, and no other local or state agency shall have any authority over the local child support agency as to any function relating to its Title IV-D operations. The local child support agency shall be responsible for the performance of child support enforcement activities required by law and regulation in a manner prescribed by the department. The administrator of the local child support agency shall be responsible for reporting to and responding to the director on all aspects of the child support program.

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450.&lawCode=FAM.

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

22 CCR § 115510. Processing a Review for Adjustment of a Support Order - Request by a Party.

[https://govt.westlaw.com/calregs/Document/I0803B190D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I0803B190D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).

(e) Within 15 business days of receiving an oral or written request for review for adjustment, the local child support agency shall:

(1) Determine whether one of the following appears to exist:

(A) A change in circumstance pursuant to Section 115520 is reasonably expected to last for more than three months.

(i) If the requesting party completes and submits income and expense Judicial Council forms and requested documents, the local child support agency shall review for adjustment as set forth in Section 115535 using the following, if applicable:

(1) The non-requesting party's complete and current income and expense Judicial Council forms and requested documents if the non-requesting party submitted such

forms and requested documents within 20 business days of the date of the written notices as set forth in Section 115510(e)(6).

... (6) Provide to all parties, on the same date, by mail or personal delivery, the appropriate income and expense Judicial Council forms and/or a written notice as follows if the non-requesting party's location is known:

(A) A requesting party, who is a parent, shall be provided with the appropriate income and expense Judicial Council forms and a written notice. The written notice shall include the following information:

(i) The requesting party's current and complete income and expense Judicial Council forms, and requested documents are required to process the request for review for adjustment.

(ii) No action will be taken by the local child support agency until the requesting party provides current and complete income and expense Judicial Council forms and requested documents to the local child support agency.

(iii) The requesting party's failure to submit current and complete income and expense Judicial Council forms and requested documents to the local child support agency within 20 business days from the date of the notice will result in the local child support agency terminating the review and adjustment process.

(iv) The date of receipt of the request for review for adjustment is the date the requesting party provides current and complete income and expense Judicial Council forms, and requested documents to the local child support agency.

12-515.2.26.262 If it is determined that a hardship exists, the district attorney may withdraw the case, notify the FTB to reduce the amount of money being withheld through a wage levy, and/or reduce the amount of money to be withheld from a lump sum levy.

12-515 .2.26.262(a) The FTB shall be informed of the hardship determination and any changes in collection action within five working days of the date of the determination, or by the last day of the 15-day time frame defined at Section 12-515.26, whichever occurs first.

12-515.2.26.263 The noncustodial parent shall be notified in writing of the results of the district attorneys determination within 15 working days of that determination.

12-515.2.26.263(a) The notice shall include information concerning the noncustodial parents right to seek a review of the district attorneys determination in court, and shall include information pertaining to any time limits within which a request for review must be filed with the court.

Repeal MPP subsections 12-515.2.26.262 through 12-515.2.26.263(a). The duties and responsibilities of the district attorneys have been transferred to the LCSAs. The FTB Child Support Program has been eliminated. Subsections are superseded by existing provisions.

FC § 17305. Transition from district attorney to local agency.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17305.

(a) In order to achieve an orderly and timely transition to the new system with minimal disruption of services, the director shall begin the transition from the office of the district attorney to the local child support agencies pursuant to Section 17304, commencing January 1, 2001.

FC § 17304. County departments of child support services; duties;...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17304&lawCode=FAM.

...Each county shall establish a new county department of child support services. Each department is also referred to in this division as the local child support agency.

(b) The director shall have direct oversight and supervision of the Title IV-D operations of the local child support agency, and no other local or state agency shall have any authority over the local child support agency as to any function relating to its Title IV-D operations. The local child support agency shall be responsible for the performance of child support enforcement activities required by law and regulation in a manner prescribed by the department. The administrator of the local child support agency shall be responsible for reporting to and responding to the director on all aspects of the child support program.

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450&lawCode=FAM.

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

22 CCR § 115535. Review for Adjustment.

[https://govt.westlaw.com/calregs/Document/I08CC0AA0D4C111DE8879F88E8B0DA/AE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I08CC0AA0D4C111DE8879F88E8B0DA/AE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).

(a) Within 40 business days of the date of the written notices provided to a party as set forth in Sections 115510(f)(6), or 115525. The local child support agency shall:

(1) Verify whether either of the following situations exists:

(A) A change in circumstance pursuant to either Section 115520 or Section 115530 exists and is reasonably expected to last for more than three months.

(B) The parties stipulated to a child support order below the amount established by the statewide uniform guideline. No change of circumstance need be demonstrated to obtain an adjustment of the child support order to the applicable guideline level or above.

(2) Terminate the review and adjustment process in accordance with 115545(c), if such a change in circumstance does not exist or is not reasonably expected to last for more than three months, and the parties did not stipulate to a child support order below the amount established by the statewide uniform guideline.

(3) Determine whether the amount of the support would be altered, upward or downward, by at least 20% or \$50, whichever is less, in instances where a change in circumstance exists and is reasonably expected to last for more than three months, or the parties stipulated to a child support order below the amount established by statewide uniform guideline. The LCSA shall determine the 20% or \$50 alteration by either:

(A) Calculating the guideline amount based upon the income and expense information of the parties, or

(B) Presuming that the amount of the support is altered, if the presumption criteria in Section 115540 is met.

(b) The local child support agency shall use the income and expense Judicial Council forms and requested documents provided by a party and/or income and expense information obtained by the local child support agency instead of presuming a 20% or \$50 alteration in the child support amount to calculate the guideline amount if the information is provided or obtained at any time prior to the court order modifying the amount of support.

22 CCR § 115545. Process After Adjustment Criteria Assessed.

[https://govt.westlaw.com/calregs/Document/I095314F0D4C111DE8879F88E8B0DAA/AE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I095314F0D4C111DE8879F88E8B0DAA/AE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).

(a) Within 15 business days of determining that it is appropriate to seek an adjustment, the local child support agency shall take one of the following actions:

(1) File a motion for modification or an order to show cause to seek an adjustment with the court and serve the notice of motion for modification or order to show cause on the parties. Service shall be conducted in accordance with the requirements of Section 1013, Code of Civil Procedure or any other manner allowed in the Code of Civil Procedure.

(2) File a motion to set aside the child support order and serve the notice of motion to set aside on the parties if a child support order meets the criteria for set aside pursuant to Section 17432, Family Code. Service shall be conducted in accordance with the requirements of Section 1013, Code of Civil Procedure or any other manner allowed in the Code of Civil Procedure.

(3) Enter into a stipulation with all necessary parties and file the stipulation with the court.

(b) Within 14 days of the issuance of an adjusted order, the local child support agency shall send a copy of the adjusted court order to the parties.

(c) Within 14 days of a determination that an adjustment will not be sought, the local child support agency shall provide, by mail or personal delivery, a written notice of the determination to the parties which includes the following information:

(1) The local child support agency's determination that it will not seek an adjustment of the child support order because of one of the following:

(A) The criteria was not met.

(B) The order has been reviewed for an adjustment within the last six months and nothing has changed since the last time the requesting party requested a review.

(C) The requesting party failed to submit current and complete income and expense forms and/or the requested documents.

(2) An explanation of why the adjustment criteria was not satisfied, if applicable.

(3) A statement informing the parties that each party may file his or her own notice of motion or order to show cause for adjustment of the child support order and may obtain the necessary forms from the local child support agency.

(4) A statement informing the parties of the option to obtain the assistance of the local Family Law Facilitator.

(5) The name(s), address and public telephone number for the local Family Law Facilitator.

(6) Information on the availability of the complaint resolution and state hearing processes pursuant to 22 California Code of Regulations, Chapter 10, Section 120001 et seq.

12-515.3 If a noncustodial parent challenges the referral of his or her case to the FTB Child Support Collection Program because of a dispute about the existence of, or the amount of, a past due balance, the district attorney shall make a determination about the disputed balance in accordance with the following:

12-515.3.31 The burden of producing evidence concerning a disputed balance shall be on the noncustodial parent.

12-515.3.32 Upon initial contact from the noncustodial parent, the district attorney shall inform him or her of the following:

12-515.3.32.321 That the noncustodial parent is responsible for providing any documentation or proof of payment, if requested, that is necessary for the district attorney to make a determination about the disputed balance; and

12-515.3.32.322 That the challenge to the existence of, or the amount of, a past due balance may be denied if documentation requested by the district attorney is not provided within a reasonable time, not to exceed 15 days from the date of the request.

Repeal MPP subsections 12-515.3 through 12-515.3.32.322. The duties and responsibilities of the district attorneys have been transferred to the LCSAs. The FTB Child Support Program has been eliminated. LCSAs follow the complaint

resolution process for review of arrears requests (which may require documentation from parties involved). Subsections are superseded by existing provisions.

FC § 17305. Transition from district attorney to local agency.

[http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17305.](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17305)

(a) In order to achieve an orderly and timely transition to the new system with minimal disruption of services, the director shall begin the transition from the office of the district attorney to the local child support agencies pursuant to Section 17304, commencing January 1, 2001.

FC § 17304. County departments of child support services; duties;...

[http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17304.&lawCode=FAM.](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17304.&lawCode=FAM)

...Each county shall establish a new county department of child support services. Each department is also referred to in this division as the local child support agency.

(b) The director shall have direct oversight and supervision of the Title IV-D operations of the local child support agency, and no other local or state agency shall have any authority over the local child support agency as to any function relating to its Title IV-D operations. The local child support agency shall be responsible for the performance of child support enforcement activities required by law and regulation in a manner prescribed by the department. The administrator of the local child support agency shall be responsible for reporting to and responding to the director on all aspects of the child support program.

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

[http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450.&lawCode=FAM.](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450.&lawCode=FAM)

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

FC § 17522. Issuance of levy or notice to withhold; ...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17522.&lawCode=FAM.

(a) Notwithstanding any other law, if any support obligor is delinquent in the payment of support for at least 30 days and the local child support agency is enforcing the support obligation pursuant to Section 17400, the local child support agency may collect the delinquency or enforce any lien by levy served on all persons having in their possession, or who will have in their possession or under their control, any credits or personal property belonging to the delinquent support obligor, or who owe any debt to the obligor at the time they receive the notice of levy.

(b) A levy may be issued by a local child support agency for a support obligation that accrued under a court order or judgment if the obligor had notice of the accrued support arrearage as provided in this section, and did not make a timely request for review.

(c) The notice requirement shall be satisfied by the local child support agency sending a statement of support arrearages to the obligor at the obligor's last known address by first-class mail, postage prepaid. The notice shall advise the obligor of the amount of the support arrearage. The notice shall advise the obligor that the obligor may have the arrearage determination reviewed by administrative procedures and state how the review may be obtained. The local child support agency shall conduct the review pursuant to this section in the same manner and timeframe provided for resolution of a complaint pursuant to Section 17800. The notice shall also advise the obligor of his or her right to seek a judicial determination of arrearages pursuant to Section 17526 and shall include a form to be filed with the court to request a judicial determination of arrearages. If the obligor requests an administrative review of the arrearage determination within 20 days from the date the notice was mailed to the obligor, the local child support agency may not issue the levy for a disputed amount of support until the administrative review procedure is completed.

(d) If the obligor requests a judicial determination of the arrearages within 20 days from the date the notice was mailed to the obligor, the local child support agency shall not issue the levy for a disputed amount of support until the judicial determination is complete.

FC § 17525. Notice of support delinquency; contents.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17525.&lawCode=FAM.

(a) Whenever a state or local governmental agency issues a notice of support delinquency, the notice shall state the date upon which the amount of the delinquency was calculated, and shall notify the obligor that the amount calculated may, or may not, include accrued interest. This requirement shall not be imposed until the local child support agency has instituted the California Child Support Automation System defined in Section 10081 of the Welfare and Institutions Code. The notice shall further notify the obligor of his or her right to an administrative determination of arrears by requesting that the local child support agency review the arrears, but that payments on arrears continue to be due and payable unless and until the local child support agency notifies the obligor otherwise. A state agency shall not be required to suspend enforcement of any arrearages as a result of the obligor's request for an

administrative determination of arrears, unless the agency receives notification of a suspension pursuant to subdivision (b) of Section 17526.

(b) For purposes of this section, "notice of support delinquency" means a notice issued to a support obligor that includes a specific statement of the amount of delinquent support due and payable.

(c) This section shall not require a state or local entity to calculate the amount of a support delinquency, except as otherwise required by law.

FC § 17526. Statement of arrearages; review.

[http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17526
&lawCode=FAM.](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17526&lawCode=FAM)

(a) Upon request of an obligor or obligee, the local child support agency shall review the amount of arrearages alleged in a statement of arrearages that may be submitted to the local child support agency by an applicant for child support enforcement services. The local child support agency shall complete the review in the same manner and pursuant to the same timeframes as a complaint submitted pursuant to Section 17800. In the review, the local child support agency shall consider all evidence and defenses submitted by either parent on the issues of the amount of support paid or owed.

(b) The local child support agency may, in its discretion, suspend enforcement or distribution of arrearages if it believes there is a substantial probability that the result of the administrative review will result in a finding that there are no arrearages.

(c) Any party to an action involving child support enforcement services of the local child support agency may request a judicial determination of arrearages. The party may request an administrative review of the alleged arrearages prior to requesting a judicial determination of arrearages. The local child support agency shall complete the review in the same manner and pursuant to the same timeframes specified in subdivision (a). Any motion to determine arrearages filed with the court shall include a monthly breakdown showing amounts ordered and amounts paid, in addition to any other relevant information.

(d) A county that submits a claim for reimbursement as a state-mandated local program of costs incurred with respect to the administrative review of alleged child support arrearages under this section shall be ineligible for state subventions or, to the extent permitted by federal law, state-administered federal subventions, for child support in the amount of any local costs under this section.

FC § 17800. Process; forms and procedures; complaint time limitations.

[http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17800
&lawCode=FAM.](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17800&lawCode=FAM)

Each local child support agency shall maintain a complaint resolution process. The department shall specify by regulation, no later than July 1, 2001, uniform forms and procedures that each local child support agency shall use in resolving all complaints received from custodial and noncustodial parents. A complaint shall be made within 90 days after the custodial or noncustodial parent affected knew or should have known of the child support action complained of. The local child support agency shall provide a written resolution of the complaint within 30 days of the receipt of the

complaint. The director of the local child support agency may extend the period for resolution of the complaint an additional 30 days in accordance with the regulations adopted pursuant to Section 17804.

22 CCR § 120103. Complaint Investigation.

[https://govt.westlaw.com/calregs/Document/I1D565F70D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)&bhcp=1](https://govt.westlaw.com/calregs/Document/I1D565F70D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1).

(a) Each local child support agency shall assign a complaint investigator to investigate the complaint. A complaint investigator shall not be the individual whose action or inaction is the subject of a complaint, or an Ombudsperson.

(b) The complaint investigator shall within five (5) business days of the complaint receipt date, determine the jurisdictional authority of the local child support agency to resolve the complaint. The local child support agency that took the action, failed to take action, or requested the Franchise Tax Board to take action, shall have jurisdictional authority.

(1) If the subject of the complaint is outside the jurisdiction of the child support program or is one of the issues enumerated in Section 120101(a), the local child support agency shall notify the complainant by mailing the notice required by Section 120105 immediately, but in no event more than 30 days after the complaint receipt date. To the extent possible, the local child support agency shall refer the complainant to the appropriate agency for complaint resolution.

(2) If the proper jurisdiction for the complaint is a local child support agency in another county, the local child support agency shall transfer the complaint pursuant to Section 120104, and notify the complainant by mailing the notice required by Section 120104 within five (5) business days of transferring the complaint.

(3) If the subject of the complaint is within the jurisdiction of the child support program and the local child support agency, but the local child support agency believes the complaint is not eligible for complaint resolution because it was filed untimely pursuant to Section 120101(b), the local child support agency shall notify the complainant by mailing the notice required by Section 120105 within 30 days of the complaint receipt date. This subparagraph shall not be interpreted to prohibit the local child support agency from trying to assist the complainant to resolve the complaint or other outstanding issues that are not subject to the local complaint resolution process.

(c) The complaint investigator shall discuss and clarify the basis of the complaint with the complainant. The complaint investigator shall attempt to resolve the complaint to the satisfaction of the complainant.

(1) If the nature of the complaint is substantively modified based on the complaint investigator's discussion with the complainant, the local child support agency shall document the new complaint information on a "Complaint Amendment," LCR003, dated (10/01), incorporated by reference herein, and mail the "Complaint Amendment," LCR003, to the complainant no later than five (5) business days after the complaint investigator's discussion with the complainant. The requirements of Section 120105 shall continue to apply based on the original complaint receipt date.

(2) If the complaint is resolved to the satisfaction of the complainant, the local child support agency shall mail a written notice of complaint resolution pursuant to Section 120105.

(3) If the complaint is not resolved to the satisfaction of the complainant after the discussion between the complaint investigator and the complainant, and further investigation is necessary, the complaint investigator shall do the following, as appropriate:

(A) Obtain pertinent case information regarding the subject of the complaint from the case worker(s) responsible for the action or inaction complained of, the Franchise Tax Board, and/or other agency.

(B) Obtain additional information or documents from any appropriate source necessary for prompt resolution of the complaint.

(C) Determine the local child support agency and/or Franchise Tax Board action required to resolve the complaint, if any. The local child support agency and/or Franchise Tax Board shall complete the required action within statutory time frames. In the absence of statutory time frames, the local child support agency and/or Franchise Tax Board shall complete the required action within 30 days after the complaint receipt date.

(D) Determine the action required by a third party or other agency, if any, to resolve the complaint.

1. The local child support agency shall inform such third party or other agency in writing of the action required to resolve the complaint, and facilitate the resolution of the complaint with such third party or other agency until the requested action is completed.

2. The local child support agency shall inform the complainant pursuant to Section 120105 of the action(s) required by the complainant to resolve the complaint.

(E) Prepare the written notice of complaint resolution pursuant to Section 120105.

12-515.3.33 The noncustodial parent shall be informed of the following:

12-515.3.33.331 That the district attorney will attempt to make a determination about the existence of, or the amount of, a past due balance within five working days of receipt of the claim and the requested documentation or proof of payment; and

12-515.3.33.332 That the five-day time frame begins upon the district attorney's receipt of the requested documentation.

Repeal MPP subsections 12-515.33 through 12-515.3.33.332. The duties and responsibilities of the district attorneys have been transferred to the LCSAs. The FTB Child Support Program has been eliminated. LCSAs follow the complaint resolution process for review of arrears requests. Subsections are superseded by existing provisions.

FC § 17305. Transition from district attorney to local agency.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17305.

(a) In order to achieve an orderly and timely transition to the new system with minimal disruption of services, the director shall begin the transition from the office of the district attorney to the local child support agencies pursuant to Section 17304, commencing January 1, 2001.

FC § 17304. County departments of child support services; duties;...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17304.&lawCode=FAM.

...Each county shall establish a new county department of child support services. Each department is also referred to in this division as the local child support agency.

(b) The director shall have direct oversight and supervision of the Title IV-D operations of the local child support agency, and no other local or state agency shall have any authority over the local child support agency as to any function relating to its Title IV-D operations. The local child support agency shall be responsible for the performance of child support enforcement activities required by law and regulation in a manner prescribed by the department. The administrator of the local child support agency shall be responsible for reporting to and responding to the director on all aspects of the child support program.

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450.&lawCode=FAM.

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

FC § 17522. Issuance of levy or notice to withhold; ...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17522.&lawCode=FAM.

(a) Notwithstanding any other law, if any support obligor is delinquent in the payment of support for at least 30 days and the local child support agency is enforcing the support obligation pursuant to Section 17400, the local child support agency may collect the delinquency or enforce any lien by levy served on all persons having in their possession, or who will have in their possession or under their control, any

credits or personal property belonging to the delinquent support obligor, or who owe any debt to the obligor at the time they receive the notice of levy.

(b) A levy may be issued by a local child support agency for a support obligation that accrued under a court order or judgment if the obligor had notice of the accrued support arrearage as provided in this section, and did not make a timely request for review.

(c) The notice requirement shall be satisfied by the local child support agency sending a statement of support arrearages to the obligor at the obligor's last known address by first-class mail, postage prepaid. The notice shall advise the obligor of the amount of the support arrearage. The notice shall advise the obligor that the obligor may have the arrearage determination reviewed by administrative procedures and state how the review may be obtained. The local child support agency shall conduct the review pursuant to this section in the same manner and timeframe provided for resolution of a complaint pursuant to Section 17800. The notice shall also advise the obligor of his or her right to seek a judicial determination of arrearages pursuant to Section 17526 and shall include a form to be filed with the court to request a judicial determination of arrearages. If the obligor requests an administrative review of the arrearage determination within 20 days from the date the notice was mailed to the obligor, the local child support agency may not issue the levy for a disputed amount of support until the administrative review procedure is completed.

(d) If the obligor requests a judicial determination of the arrearages within 20 days from the date the notice was mailed to the obligor, the local child support agency shall not issue the levy for a disputed amount of support until the judicial determination is complete.

FC § 17526. Statement of arrearages; review.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17526.&lawCode=FAM.

(a) Upon request of an obligor or obligee, the local child support agency shall review the amount of arrearages alleged in a statement of arrearages that may be submitted to the local child support agency by an applicant for child support enforcement services. The local child support agency shall complete the review in the same manner and pursuant to the same timeframes as a complaint submitted pursuant to Section 17800. In the review, the local child support agency shall consider all evidence and defenses submitted by either parent on the issues of the amount of support paid or owed.

(b) The local child support agency may, in its discretion, suspend enforcement or distribution of arrearages if it believes there is a substantial probability that the result of the administrative review will result in a finding that there are no arrearages.

(c) Any party to an action involving child support enforcement services of the local child support agency may request a judicial determination of arrearages. The party may request an administrative review of the alleged arrearages prior to requesting a judicial determination of arrearages. The local child support agency shall complete the review in the same manner and pursuant to the same timeframes specified in subdivision (a). Any motion to determine arrearages filed with the court shall include a

monthly breakdown showing amounts ordered and amounts paid, in addition to any other relevant information.

FC § 17800. Process; forms and procedures; complaint time limitations.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17800&lawCode=FAM.

Each local child support agency shall maintain a complaint resolution process. The department shall specify by regulation, no later than July 1, 2001, uniform forms and procedures that each local child support agency shall use in resolving all complaints received from custodial and noncustodial parents. A complaint shall be made within 90 days after the custodial or noncustodial parent affected knew or should have known of the child support action complained of. The local child support agency shall provide a written resolution of the complaint within 30 days of the receipt of the complaint. The director of the local child support agency may extend the period for resolution of the complaint an additional 30 days in accordance with the regulations adopted pursuant to Section 17804.

22 CCR § 120102. Written Complaint Acknowledgement.

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Within five (5) business days after the complaint receipt date, a local child support agency shall mail a "Request for Complaint Resolution Acknowledgement," LCR002, dated (10/01), incorporated by reference herein, and a "Request for State Hearing," SH001, dated (10/01), incorporated by reference herein to the complainant. The written complaint acknowledgement shall include an explanation of both of the following:

- (a) The complaint resolution process and time frames specified in this Article.
- (b) The state hearing process and time frames specified in Article 3.

22 CCR § 120103. Complaint Investigation.

[https://govt.westlaw.com/calregs/Document/I1D565F70D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)&bhcp=1](https://govt.westlaw.com/calregs/Document/I1D565F70D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1).

(a) Each local child support agency shall assign a complaint investigator to investigate the complaint. A complaint investigator shall not be the individual whose action or inaction is the subject of a complaint, or an Ombudsperson.

(b) The complaint investigator shall within five (5) business days of the complaint receipt date, determine the jurisdictional authority of the local child support agency to resolve the complaint. The local child support agency that took the action, failed to take action, or requested the Franchise Tax Board to take action, shall have jurisdictional authority.

(1) If the subject of the complaint is outside the jurisdiction of the child support program or is one of the issues enumerated in Section 120101(a), the local child support agency shall notify the complainant by mailing the notice required by Section 120105 immediately, but in no event more than 30 days after the complaint receipt

date. To the extent possible, the local child support agency shall refer the complainant to the appropriate agency for complaint resolution.

(2) If the proper jurisdiction for the complaint is a local child support agency in another county, the local child support agency shall transfer the complaint pursuant to Section 120104, and notify the complainant by mailing the notice required by Section 120104 within five (5) business days of transferring the complaint.

(3) If the subject of the complaint is within the jurisdiction of the child support program and the local child support agency, but the local child support agency believes the complaint is not eligible for complaint resolution because it was filed untimely pursuant to Section 120101(b), the local child support agency shall notify the complainant by mailing the notice required by Section 120105 within 30 days of the complaint receipt date. This subparagraph shall not be interpreted to prohibit the local child support agency from trying to assist the complainant to resolve the complaint or other outstanding issues that are not subject to the local complaint resolution process.

(c) The complaint investigator shall discuss and clarify the basis of the complaint with the complainant. The complaint investigator shall attempt to resolve the complaint to the satisfaction of the complainant.

(1) If the nature of the complaint is substantively modified based on the complaint investigator's discussion with the complainant, the local child support agency shall document the new complaint information on a "Complaint Amendment," LCR003, dated (10/01), incorporated by reference herein, and mail the "Complaint Amendment," LCR003, to the complainant no later than five (5) business days after the complaint investigator's discussion with the complainant. The requirements of Section 120105 shall continue to apply based on the original complaint receipt date.

(2) If the complaint is resolved to the satisfaction of the complainant, the local child support agency shall mail a written notice of complaint resolution pursuant to Section 120105.

(3) If the complaint is not resolved to the satisfaction of the complainant after the discussion between the complaint investigator and the complainant, and further investigation is necessary, the complaint investigator shall do the following, as appropriate:

(A) Obtain pertinent case information regarding the subject of the complaint from the case worker(s) responsible for the action or inaction complained of, the Franchise Tax Board, and/or other agency.

(B) Obtain additional information or documents from any appropriate source necessary for prompt resolution of the complaint.

(C) Determine the local child support agency and/or Franchise Tax Board action required to resolve the complaint, if any. The local child support agency and/or Franchise Tax Board shall complete the required action within statutory time frames. In the absence of statutory time frames, the local child support agency and/or Franchise Tax Board shall complete the required action within 30 days after the complaint receipt date.

(D) Determine the action required by a third party or other agency, if any, to resolve the complaint.

1. The local child support agency shall inform such third party or other agency in writing of the action required to resolve the complaint, and facilitate the resolution of

the complaint with such third party or other agency until the requested action is completed.

2. The local child support agency shall inform the complainant pursuant to Section 120105 of the action(s) required by the complainant to resolve the complaint.

(E) Prepare the written notice of complaint resolution pursuant to Section 120105.

22 CCR § 120105. Notice of Complaint Resolution/Complaint Extension.

[https://govt.westlaw.com/calregs/Document/I1DBCC260D4C111DE8879F88E8B0DA/AE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I1DBCC260D4C111DE8879F88E8B0DA/AE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).

(a) The local child support agency shall mail a "Notice of Complaint Resolution," LCR006, dated (10/01), incorporated by reference herein, and a "Request for State Hearing," SH001, dated (10/01), to the complainant no later than 30 days after the complaint receipt date. The LCR006, shall be signed by the director of the local child support agency, or his/her designee, and shall include a brief description or explanation of all of the following:

(1) The complaint and the complaint receipt date.

(2) The local child support agency's decision regarding the complaint, including the reason the local child support agency believes the complaint is not eligible for complaint resolution, if applicable, or the reason complaint resolution cannot be completed by the local child support agency. Citations to applicable laws, regulations, or Department policy letters shall be referenced in the explanation.

(3) The actions taken or that will be taken by the local child support agency to resolve the complaint.

(4) The complainant's right to file a request for a state hearing, the process and time frames for filing a request for state hearing, and the issues within the jurisdiction of a state hearing, if the complainant is dissatisfied with the resolution of the complaint by the local child support agency.

(b) The director of the local child support agency, or in the director's absence, his or her designee, shall be permitted to grant a one-time extension of the complaint resolution period for a specified complaint up to maximum of 30 days, if the director of the local child support agency, or in the director's absence, his or her designee, determines more time is needed to resolve the complaint. The local child support agency shall exercise due diligence in attempting to resolve all complaints within 30 days of the complaint receipt date, and shall only take an extension under extraordinary circumstances. The local child support agency shall do both of the following for each complaint resolution extension:

(1) Mail a "Notice of Complaint Resolution Extension," LCR005, dated (10/01), incorporated by reference herein, to a complainant and the State Hearing Office no later than 30 days after the complaint receipt date. The LCR005 shall be signed by the director of the local child support agency, or in the director's absence, his or her designee, and shall explain the local child support agency's need to extend the complaint resolution period to resolve the complaint, and the time frames to file a state hearing will be extended based on the date of the local child support agency's written resolution response provided pursuant to subparagraph (2).

(2) Mail a "Notice of Complaint Resolution," LCR006, dated (10/01), to the complainant no later than 60 days from the complaint receipt date.

(c) If the local child support agency is unable to initiate or complete a complaint investigation due to lack of information from the complainant, and the complaint investigator was unable to obtain the required information during discussion with the complainant as specified in Section 120103(c), the local child support agency shall attempt at least one additional verbal contact with the complainant to obtain the required information. If the results of the contact are unsuccessful, the local child support agency shall notify the complainant in writing of the required information, and that failure of the complainant to provide the information will result in the local child support agency closing the complaint. If the local child support agency does not receive the information required to resolve the complaint, the local child support agency shall mail a "Notice of Complaint Resolution," LCR006, dated (10/01), to the complainant no later than 30 days after the complaint receipt date, that explains the reason for closing the complaint.

12-515.3.34 To make a determination about the existence of, or the amount of, a disputed balance, the district attorney shall review documentation provided by the noncustodial parent and review the noncustodial parents case file payment history.

12-515.3.34.341 If the district attorney cannot determine whether a past due balance exists within five working days of receipt of documentation from the noncustodial parent, the district attorney shall advise the FTB to suspend collection action until further notice. (See definition of Suspend Collection Action at Section 12-501.2(s)(1).)

12-515 .3.34.341(a) The district attorney shall make a determination concerning the disputed past due balance, in compliance with Code of Civil Procedure Section 706.075, within 15 days of initial contact from the noncustodial parent and receipt of all requested documentation, or the district attorney must withdraw the case from the FTB Child Support Collection Program until such time that a determination is made concerning the disputed past due balance.

12-515 .3.34.341(b) If it is determined that no past due balance exists, the district attorney shall immediately withdraw the case from the FTB Child Support Collection Program.

12-515.3.34.342 If the district attorney cannot make a determination about a disputed portion of a past due balance within five working days of receipt of documentation from the noncustodial parent, the district attorney shall advise the FTB to suspend collection action on the disputed amount until further notice. (See definition of Suspend Collection Action at Section 12-501.2(s)(1).)

12-515 .3.34.342(a) Within 15 days of initial contact from the noncustodial parent and receipt of all requested documentation, the district attorney shall make a determination concerning the disputed portion of a past due balance, or the district attorney must

notify the FTB of a decrease in the past due balance proportionate to the disputed balance amount by the last day of the 15-day time frame.

12-515 .3.34.342(b) If it is determined that the past due balance is less than the balance amount referred to the FTB, the district attorney shall inform the FTB of the balance decrease within five working days of the date of the determination, or by the last day of the 15-day time frame defined at Section 12-515.342(a), whichever occurs first.

Repeal MPP subsections 12-515.3.34 through 12-515.3.34.342(b). The duties and responsibilities of the district attorneys have been transferred to the LCSAs. The FTB Child Support Program has been eliminated. LCSAs follow the complaint resolution process for review of arrears requests. The complaint investigator may request documentation from the parties involved. LCSAs have 30 days to complete the review using documentation that has been submitted by all parties involved (a one-time 30-day extension is available). Subsections are superseded by existing provisions.

FC § 17305. Transition from district attorney to local agency.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17305.

(a) In order to achieve an orderly and timely transition to the new system with minimal disruption of services, the director shall begin the transition from the office of the district attorney to the local child support agencies pursuant to Section 17304, commencing January 1, 2001.

FC § 17304. County departments of child support services; duties;...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17304.&lawCode=FAM.

...Each county shall establish a new county department of child support services. Each department is also referred to in this division as the local child support agency.

(b) The director shall have direct oversight and supervision of the Title IV-D operations of the local child support agency, and no other local or state agency shall have any authority over the local child support agency as to any function relating to its Title IV-D operations. The local child support agency shall be responsible for the performance of child support enforcement activities required by law and regulation in a manner prescribed by the department. The administrator of the local child support agency shall be responsible for reporting to and responding to the director on all aspects of the child support program.

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450.&lawCode=FAM.

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified

based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

FC § 17526. Statement of arrearages; review.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17526.&lawCode=FAM.

(a) Upon request of an obligor or obligee, the local child support agency shall review the amount of arrearages alleged in a statement of arrearages that may be submitted to the local child support agency by an applicant for child support enforcement services. The local child support agency shall complete the review in the same manner and pursuant to the same timeframes as a complaint submitted pursuant to Section 17800. In the review, the local child support agency shall consider all evidence and defenses submitted by either parent on the issues of the amount of support paid or owed.

(b) The local child support agency may, in its discretion, suspend enforcement or distribution of arrearages if it believes there is a substantial probability that the result of the administrative review will result in a finding that there are no arrearages.

(c) Any party to an action involving child support enforcement services of the local child support agency may request a judicial determination of arrearages. The party may request an administrative review of the alleged arrearages prior to requesting a judicial determination of arrearages. The local child support agency shall complete the review in the same manner and pursuant to the same timeframes specified in subdivision (a). Any motion to determine arrearages filed with the court shall include a monthly breakdown showing amounts ordered and amounts paid, in addition to any other relevant information.

FC § 17800. Process; forms and procedures; complaint time limitations.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17800.&lawCode=FAM.

Each local child support agency shall maintain a complaint resolution process. The department shall specify by regulation, no later than July 1, 2001, uniform forms and procedures that each local child support agency shall use in resolving all complaints received from custodial and noncustodial parents. A complaint shall be made within 90 days after the custodial or noncustodial parent affected knew or should have known of the child support action complained of. The local child support agency shall provide a written resolution of the complaint within 30 days of the receipt of the complaint. The director of the local child support agency may extend the period for

resolution of the complaint an additional 30 days in accordance with the regulations adopted pursuant to Section 17804.

22 CCR § 120103. Complaint Investigation.

[https://govt.westlaw.com/calregs/Document/I1D565F70D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)&bhcp=1](https://govt.westlaw.com/calregs/Document/I1D565F70D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1).

(a) Each local child support agency shall assign a complaint investigator to investigate the complaint. A complaint investigator shall not be the individual whose action or inaction is the subject of a complaint, or an Ombudsperson.

(b) The complaint investigator shall within five (5) business days of the complaint receipt date, determine the jurisdictional authority of the local child support agency to resolve the complaint. The local child support agency that took the action, failed to take action, or requested the Franchise Tax Board to take action, shall have jurisdictional authority.

(1) If the subject of the complaint is outside the jurisdiction of the child support program or is one of the issues enumerated in Section 120101(a), the local child support agency shall notify the complainant by mailing the notice required by Section 120105 immediately, but in no event more than 30 days after the complaint receipt date. To the extent possible, the local child support agency shall refer the complainant to the appropriate agency for complaint resolution.

(2) If the proper jurisdiction for the complaint is a local child support agency in another county, the local child support agency shall transfer the complaint pursuant to Section 120104, and notify the complainant by mailing the notice required by Section 120104 within five (5) business days of transferring the complaint.

(3) If the subject of the complaint is within the jurisdiction of the child support program and the local child support agency, but the local child support agency believes the complaint is not eligible for complaint resolution because it was filed untimely pursuant to Section 120101(b), the local child support agency shall notify the complainant by mailing the notice required by Section 120105 within 30 days of the complaint receipt date. This subparagraph shall not be interpreted to prohibit the local child support agency from trying to assist the complainant to resolve the complaint or other outstanding issues that are not subject to the local complaint resolution process.

(c) The complaint investigator shall discuss and clarify the basis of the complaint with the complainant. The complaint investigator shall attempt to resolve the complaint to the satisfaction of the complainant.

(1) If the nature of the complaint is substantively modified based on the complaint investigator's discussion with the complainant, the local child support agency shall document the new complaint information on a "Complaint Amendment," LCR003, dated (10/01), incorporated by reference herein, and mail the "Complaint Amendment," LCR003, to the complainant no later than five (5) business days after the complaint investigator's discussion with the complainant. The requirements of Section 120105 shall continue to apply based on the original complaint receipt date.

(2) If the complaint is resolved to the satisfaction of the complainant, the local child support agency shall mail a written notice of complaint resolution pursuant to Section 120105.

(3) If the complaint is not resolved to the satisfaction of the complainant after the discussion between the complaint investigator and the complainant, and further investigation is necessary, the complaint investigator shall do the following, as appropriate:

(A) Obtain pertinent case information regarding the subject of the complaint from the case worker(s) responsible for the action or inaction complained of, the Franchise Tax Board, and/or other agency.

(B) Obtain additional information or documents from any appropriate source necessary for prompt resolution of the complaint.

(C) Determine the local child support agency and/or Franchise Tax Board action required to resolve the complaint, if any. The local child support agency and/or Franchise Tax Board shall complete the required action within statutory time frames. In the absence of statutory time frames, the local child support agency and/or Franchise Tax Board shall complete the required action within 30 days after the complaint receipt date.

(D) Determine the action required by a third party or other agency, if any, to resolve the complaint.

1. The local child support agency shall inform such third party or other agency in writing of the action required to resolve the complaint, and facilitate the resolution of the complaint with such third party or other agency until the requested action is completed.

2. The local child support agency shall inform the complainant pursuant to Section 120105 of the action(s) required by the complainant to resolve the complaint.

(E) Prepare the written notice of complaint resolution pursuant to Section 120105.

22 CCR § 120105. Notice of Complaint Resolution/Complaint Extension.

[https://govt.westlaw.com/calregs/Document/I1DBCC260D4C111DE8879F88E8B0DA
AAE?viewType=FullText&originationContext=documenttoc&transitionType=Category
PageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I1DBCC260D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).

(a) The local child support agency shall mail a "Notice of Complaint Resolution," LCR006, dated (10/01), incorporated by reference herein, and a "Request for State Hearing," SH001, dated (10/01), to the complainant no later than 30 days after the complaint receipt date. The LCR006, shall be signed by the director of the local child support agency, or his/her designee, and shall include a brief description or explanation of all of the following:

(1) The complaint and the complaint receipt date.

(2) The local child support agency's decision regarding the complaint, including the reason the local child support agency believes the complaint is not eligible for complaint resolution, if applicable, or the reason complaint resolution cannot be completed by the local child support agency. Citations to applicable laws, regulations, or Department policy letters shall be referenced in the explanation.

(3) The actions taken or that will be taken by the local child support agency to resolve the complaint.

(4) The complainant's right to file a request for a state hearing, the process and time frames for filing a request for state hearing, and the issues within the jurisdiction of a

state hearing, if the complainant is dissatisfied with the resolution of the complaint by the local child support agency.

(b) The director of the local child support agency, or in the director's absence, his or her designee, shall be permitted to grant a one-time extension of the complaint resolution period for a specified complaint up to maximum of 30 days, if the director of the local child support agency, or in the director's absence, his or her designee, determines more time is needed to resolve the complaint. The local child support agency shall exercise due diligence in attempting to resolve all complaints within 30 days of the complaint receipt date, and shall only take an extension under extraordinary circumstances. The local child support agency shall do both of the following for each complaint resolution extension:

(1) Mail a "Notice of Complaint Resolution Extension," LCR005, dated (10/01), incorporated by reference herein, to a complainant and the State Hearing Office no later than 30 days after the complaint receipt date. The LCR005 shall be signed by the director of the local child support agency, or in the director's absence, his or her designee, and shall explain the local child support agency's need to extend the complaint resolution period to resolve the complaint, and the time frames to file a state hearing will be extended based on the date of the local child support agency's written resolution response provided pursuant to subparagraph (2).

(2) Mail a "Notice of Complaint Resolution," LCR006, dated (10/01), to the complainant no later than 60 days from the complaint receipt date.

(c) If the local child support agency is unable to initiate or complete a complaint investigation due to lack of information from the complainant, and the complaint investigator was unable to obtain the required information during discussion with the complainant as specified in Section 120103(c), the local child support agency shall attempt at least one additional verbal contact with the complainant to obtain the required information. If the results of the contact are unsuccessful, the local child support agency shall notify the complainant in writing of the required information, and that failure of the complainant to provide the information will result in the local child support agency closing the complaint. If the local child support agency does not receive the information required to resolve the complaint, the local child support agency shall mail a "Notice of Complaint Resolution," LCR006, dated (10/01), to the complainant no later than 30 days after the complaint receipt date, that explains the reason for closing the complaint.

12-515.3.35 If a determination concerning the existence of, or the amount of, a disputed balance is delayed due to the noncustodial parent's failure to provide requested documentation or proof of payment, the district attorney may proceed with collection action on the case.

12-515.3.36 The noncustodial parent shall be notified in writing of the results of the district attorney's determination within 15 working days of that determination.

12-515.3.36.361 The notice shall include information concerning the noncustodial parent's right to seek a review of the district attorney's determination in court, and shall

include information pertaining to any time limits within which a request for review must be filed with the court.

Repeal MPP subsections 12-515.3.35 through 12-515.3.36.361. The duties and responsibilities of the district attorneys have been transferred to the LCSAs. The FTB Child Support Program has been eliminated. LCSAs follow the complaint resolution process for review of arrears requests. Payments on arrears continue to be due until the LCSA notifies the obligor otherwise. Subsections are superseded by existing provisions.

FC § 17305. Transition from district attorney to local agency.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17305.

(a) In order to achieve an orderly and timely transition to the new system with minimal disruption of services, the director shall begin the transition from the office of the district attorney to the local child support agencies pursuant to Section 17304, commencing January 1, 2001.

FC § 17304. County departments of child support services; duties;...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17304.&lawCode=FAM.

...Each county shall establish a new county department of child support services. Each department is also referred to in this division as the local child support agency.

(b) The director shall have direct oversight and supervision of the Title IV-D operations of the local child support agency, and no other local or state agency shall have any authority over the local child support agency as to any function relating to its Title IV-D operations. The local child support agency shall be responsible for the performance of child support enforcement activities required by law and regulation in a manner prescribed by the department. The administrator of the local child support agency shall be responsible for reporting to and responding to the director on all aspects of the child support program.

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450.&lawCode=FAM.

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation

of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

FC § 17525. Notice of support delinquency; contents.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17525&lawCode=FAM.

(a) Whenever a state or local governmental agency issues a notice of support delinquency, the notice shall state the date upon which the amount of the delinquency was calculated, and shall notify the obligor that the amount calculated may, or may not, include accrued interest. This requirement shall not be imposed until the local child support agency has instituted the California Child Support Automation System defined in Section 10081 of the Welfare and Institutions Code. The notice shall further notify the obligor of his or her right to an administrative determination of arrears by requesting that the local child support agency review the arrears, but that payments on arrears continue to be due and payable unless and until the local child support agency notifies the obligor otherwise. A state agency shall not be required to suspend enforcement of any arrearages as a result of the obligor's request for an administrative determination of arrears, unless the agency receives notification of a suspension pursuant to subdivision (b) of Section 17526.

(b) For purposes of this section, "notice of support delinquency" means a notice issued to a support obligor that includes a specific statement of the amount of delinquent support due and payable.

(c) This section shall not require a state or local entity to calculate the amount of a support delinquency, except as otherwise required by law.

FC § 17526. Statement of arrearages; review.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17526&lawCode=FAM.

(a) Upon request of an obligor or obligee, the local child support agency shall review the amount of arrearages alleged in a statement of arrearages that may be submitted to the local child support agency by an applicant for child support enforcement services. The local child support agency shall complete the review in the same manner and pursuant to the same timeframes as a complaint submitted pursuant to Section 17800. In the review, the local child support agency shall consider all evidence and defenses submitted by either parent on the issues of the amount of support paid or owed.

(b) The local child support agency may, in its discretion, suspend enforcement or distribution of arrearages if it believes there is a substantial probability that the result of the administrative review will result in a finding that there are no arrearages.

(c) Any party to an action involving child support enforcement services of the local child support agency may request a judicial determination of arrearages. The party may request an administrative review of the alleged arrearages prior to requesting a judicial determination of arrearages. The local child support agency shall complete the review in the same manner and pursuant to the same timeframes specified in subdivision (a). Any motion to determine arrearages filed with the court shall include a

monthly breakdown showing amounts ordered and amounts paid, in addition to any other relevant information.

FC § 17800. Process; forms and procedures; complaint time limitations.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17800&lawCode=FAM.

Each local child support agency shall maintain a complaint resolution process. The department shall specify by regulation, no later than July 1, 2001, uniform forms and procedures that each local child support agency shall use in resolving all complaints received from custodial and noncustodial parents. A complaint shall be made within 90 days after the custodial or noncustodial parent affected knew or should have known of the child support action complained of. The local child support agency shall provide a written resolution of the complaint within 30 days of the receipt of the complaint. The director of the local child support agency may extend the period for resolution of the complaint an additional 30 days in accordance with the regulations adopted pursuant to Section 17804.

22 CCR § 120103. Complaint Investigation.

[https://govt.westlaw.com/calregs/Document/I1D565F70D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)&bhcp=1](https://govt.westlaw.com/calregs/Document/I1D565F70D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1).

(a) Each local child support agency shall assign a complaint investigator to investigate the complaint. A complaint investigator shall not be the individual whose action or inaction is the subject of a complaint, or an Ombudsperson.

(b) The complaint investigator shall within five (5) business days of the complaint receipt date, determine the jurisdictional authority of the local child support agency to resolve the complaint. The local child support agency that took the action, failed to take action, or requested the Franchise Tax Board to take action, shall have jurisdictional authority.

(1) If the subject of the complaint is outside the jurisdiction of the child support program or is one of the issues enumerated in Section 120101(a), the local child support agency shall notify the complainant by mailing the notice required by Section 120105 immediately, but in no event more than 30 days after the complaint receipt date. To the extent possible, the local child support agency shall refer the complainant to the appropriate agency for complaint resolution.

(2) If the proper jurisdiction for the complaint is a local child support agency in another county, the local child support agency shall transfer the complaint pursuant to Section 120104, and notify the complainant by mailing the notice required by Section 120104 within five (5) business days of transferring the complaint.

(3) If the subject of the complaint is within the jurisdiction of the child support program and the local child support agency, but the local child support agency believes the complaint is not eligible for complaint resolution because it was filed untimely pursuant to Section 120101(b), the local child support agency shall notify the complainant by mailing the notice required by Section 120105 within 30 days of the complaint receipt date. This subparagraph shall not be interpreted to prohibit the local

child support agency from trying to assist the complainant to resolve the complaint or other outstanding issues that are not subject to the local complaint resolution process.

(c) The complaint investigator shall discuss and clarify the basis of the complaint with the complainant. The complaint investigator shall attempt to resolve the complaint to the satisfaction of the complainant.

(1) If the nature of the complaint is substantively modified based on the complaint investigator's discussion with the complainant, the local child support agency shall document the new complaint information on a "Complaint Amendment," LCR003, dated (10/01), incorporated by reference herein, and mail the "Complaint Amendment," LCR003, to the complainant no later than five (5) business days after the complaint investigator's discussion with the complainant. The requirements of Section 120105 shall continue to apply based on the original complaint receipt date.

(2) If the complaint is resolved to the satisfaction of the complainant, the local child support agency shall mail a written notice of complaint resolution pursuant to Section 120105.

(3) If the complaint is not resolved to the satisfaction of the complainant after the discussion between the complaint investigator and the complainant, and further investigation is necessary, the complaint investigator shall do the following, as appropriate:

(A) Obtain pertinent case information regarding the subject of the complaint from the case worker(s) responsible for the action or inaction complained of, the Franchise Tax Board, and/or other agency.

(B) Obtain additional information or documents from any appropriate source necessary for prompt resolution of the complaint.

(C) Determine the local child support agency and/or Franchise Tax Board action required to resolve the complaint, if any. The local child support agency and/or Franchise Tax Board shall complete the required action within statutory time frames. In the absence of statutory time frames, the local child support agency and/or Franchise Tax Board shall complete the required action within 30 days after the complaint receipt date.

(D) Determine the action required by a third party or other agency, if any, to resolve the complaint.

1. The local child support agency shall inform such third party or other agency in writing of the action required to resolve the complaint, and facilitate the resolution of the complaint with such third party or other agency until the requested action is completed.

2. The local child support agency shall inform the complainant pursuant to Section 120105 of the action(s) required by the complainant to resolve the complaint.

(E) Prepare the written notice of complaint resolution pursuant to Section 120105.

22 CCR § 120105. Notice of Complaint Resolution/Complaint Extension.

[https://govt.westlaw.com/calregs/Document/I1DBCC260D4C111DE8879F88E8B0DA/AE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I1DBCC260D4C111DE8879F88E8B0DA/AE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).

(a) The local child support agency shall mail a "Notice of Complaint Resolution," LCR006, dated (10/01), incorporated by reference herein, and a "Request for State

Hearing," SH001, dated (10/01), to the complainant no later than 30 days after the complaint receipt date. The LCR006, shall be signed by the director of the local child support agency, or his/her designee, and shall include a brief description or explanation of all of the following:

(1) The complaint and the complaint receipt date.

(2) The local child support agency's decision regarding the complaint, including the reason the local child support agency believes the complaint is not eligible for complaint resolution, if applicable, or the reason complaint resolution cannot be completed by the local child support agency. Citations to applicable laws, regulations, or Department policy letters shall be referenced in the explanation.

(3) The actions taken or that will be taken by the local child support agency to resolve the complaint.

(4) The complainant's right to file a request for a state hearing, the process and time frames for filing a request for state hearing, and the issues within the jurisdiction of a state hearing, if the complainant is dissatisfied with the resolution of the complaint by the local child support agency.

(b) The director of the local child support agency, or in the director's absence, his or her designee, shall be permitted to grant a one-time extension of the complaint resolution period for a specified complaint up to maximum of 30 days, if the director of the local child support agency, or in the director's absence, his or her designee, determines more time is needed to resolve the complaint. The local child support agency shall exercise due diligence in attempting to resolve all complaints within 30 days of the complaint receipt date, and shall only take an extension under extraordinary circumstances. The local child support agency shall do both of the following for each complaint resolution extension:

(1) Mail a "Notice of Complaint Resolution Extension," LCR005, dated (10/01), incorporated by reference herein, to a complainant and the State Hearing Office no later than 30 days after the complaint receipt date. The LCR005 shall be signed by the director of the local child support agency, or in the director's absence, his or her designee, and shall explain the local child support agency's need to extend the complaint resolution period to resolve the complaint, and the time frames to file a state hearing will be extended based on the date of the local child support agency's written resolution response provided pursuant to subparagraph (2).

(2) Mail a "Notice of Complaint Resolution," LCR006, dated (10/01), to the complainant no later than 60 days from the complaint receipt date.

(c) If the local child support agency is unable to initiate or complete a complaint investigation due to lack of information from the complainant, and the complaint investigator was unable to obtain the required information during discussion with the complainant as specified in Section 120103(c), the local child support agency shall attempt at least one additional verbal contact with the complainant to obtain the required information. If the results of the contact are unsuccessful, the local child support agency shall notify the complainant in writing of the required information, and that failure of the complainant to provide the information will result in the local child support agency closing the complaint. If the local child support agency does not receive the information required to resolve the complaint, the local child support agency shall mail a "Notice of Complaint Resolution," LCR006, dated (10/01), to the

complainant no later than 30 days after the complaint receipt date, that explains the reason for closing the complaint.

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: 45 CFR 303.72; Section 19271, Revenue and Taxation Code; Section 12419.5, Government Code; Sections 706.051 and 706.075, Code of Civil Procedure; and Section 4071, Family Code.

WIC § 10553 refers to the administration of public social services by the director of the California Department of Social Services (CDSS).

WIC § 10554 gives CDSS the authority to adopt regulations, orders, or standards to implement, interpret, or make specific the law enforced by that department. Since the advent of DCSS, CDSS no longer adopts regulations, orders, or standards pertaining to child support.

WIC § 11475 designated CDSS as the single organizational unit to administer the state plan for child support. (Repealed in 1999.)

WIC § 11479.5 gave CDSS the authority to develop and implement regulations regarding family support enforcement. (Repealed in 1999.)

45 CFR § 303.72 establishes requirements for collections of arrears by Federal tax refund offset, including advance notice of offset and right to administrative review or arrears balance.

RTC § 19271 was repealed in 2009.

GOV § 12419.5 gives the state Controller authority to offset funds due a state agency from a person against funds owed to that person by another state agency.

CCP § 706.051 establishes restrictions on earnings withholdings.

CCP § 706.075 establishes requirements for earnings withholding order for taxes, including a right to administrative and judicial review of the arrears balance.

FC § 4071 defines circumstances evidencing hardship.

12-520 OVER COLLECTIONS

12-520.1 If a collection occurs in excess of the past due balance amount, and state and federal support distribution requirements are satisfied, the district attorney shall reimburse the over paid amount to the noncustodial parent.

Repeal MPP subsection 12-520.1. The duties and responsibilities of the district attorneys have been transferred to the LCSAs. The FTB Child Support Program has been eliminated. Subsections are superseded by existing provisions.

Propose new CCR 119905(a) to include this section and add clarifying language regarding the exceptions of voluntary payments and voluntary military allotments and add definition for “over collections” as found in CSS Letter 08-13. The term ‘reimbursement’ is changed to ‘refund’ for consistency in terminology. The term “excess” is narrowly defined in MPP 12-100.3(e) relating to the unreimbursed assistance pool and is replaced by “exceeds” in this regulation to avoid conflict.

FC § 17305. Transition from district attorney to local agency.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17305.

(a) In order to achieve an orderly and timely transition to the new system with minimal disruption of services, the director shall begin the transition from the office of the district attorney to the local child support agencies pursuant to Section 17304, commencing January 1, 2001.

FC § 17304. County departments of child support services; duties;...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17304.&lawCode=FAM.

...Each county shall establish a new county department of child support services. Each department is also referred to in this division as the local child support agency.

(b) The director shall have direct oversight and supervision of the Title IV-D operations of the local child support agency, and no other local or state agency shall have any authority over the local child support agency as to any function relating to its Title IV-D operations. The local child support agency shall be responsible for the performance of child support enforcement activities required by law and regulation in a manner prescribed by the department. The administrator of the local child support agency shall be responsible for reporting to and responding to the director on all aspects of the child support program.

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450.&lawCode=FAM.

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified

based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

45 CFR § 303.100. Procedures for income withholding.

<http://www.gpo.gov/fdsys/pkg/CFR-2010-title45-vol2/pdf/CFR-2010-title45-vol2-sec303-100.pdf>,

(a)(8) The State must have procedures for promptly refunding to noncustodial parents amounts which have been improperly withheld.

45 CFR § 303.102. Collection of overdue support by State income tax refund offset.

<http://www.gpo.gov/fdsys/pkg/CFR-2010-title45-vol2/pdf/CFR-2010-title45-vol2-sec303-102.pdf>.

(c)(2) If the offset amount is found to be in error or to exceed the amount of overdue support, the State IV-D agency must take steps to refund the excess amount in accordance with procedures that include a mechanism for promptly reimbursing the noncustodial parent.

45 CFR § 303.72. Request for collection of past-due support by Federal tax refund offset.

<http://www.gpo.gov/fdsys/pkg/CFR-2010-title45-vol2/pdf/CFR-2010-title45-vol2-sec303-72.pdf>.

(h)(4) If the amount collected is in excess of the amounts required to be distributed under section 457 of the Act, the IV-D agency must repay the excess to the noncustodial parent whose refund was offset or to the parties filing a joint return within a reasonable period in accordance with State law.

(g)(4) (4) If, as a result of the administrative review, an amount which has already been offset is found to have exceeded the amount of past-due support owed, the IV-D agency must take steps to refund the excess amount to the noncustodial parent promptly.

CSS Letter 08-13 “Over-Collection and Non-Support Collection Refund Policy”

<https://central.dcss.ca.gov/PPR/Child%20Support%20Services%20Letters/Over%20Collection%20and%20Non%20Support%20Collection%20Refund.pdf>

OVER-COLLECTION

An over-collection is a payment for support, received by the State Disbursement Unit (SDU), that cannot be applied in part or in full to a IV-D case because there is no current support or arrearages owing on the case. Only a payment that the Department

of Child Support Services (DCSS) has care and control of, and may result in a refund to the obligor or payment remitter, can be categorized as an over-collection. Please note that a payment disbursed to a family, who the Local Child Support Agency (LCSA) subsequently discovers is over paid, is not considered an over-collection. ...

...Over-collections from all payment sources, with the exception of NCP Regular Payment (a voluntary payment made by or on behalf of the NCP) and Voluntary Military Allotment, must be refunded to the obligor within 2 business days after the 15 business day determination period (15 business days after the date of distribution). Overcollections from NCP Regular payment source and Voluntary Military Allotment payment source do not require the obligor's consent to apply to futures. Therefore, these two payment sources are not subject to this over-collection refund policy.

12-520.1.11 The reimbursement shall be issued within 15 working days of the day the district attorney determined the amount due the noncustodial parent.

Repeal MPP subsection 12-520.1. The duties and responsibilities of the district attorneys have been transferred to the LCSAs. The FTB Child Support Program has been eliminated. Adopt regulation per CSS Letter 08-13 which provides current DCSS policy for the over-collections refund timeframe.

Propose new CCR 119905(a)(1) to replace regulation found in 12-520.1.11 and update the refund timeframe to be within 2 business days after 15 business days from the date of distribution, per policy found in CSS Letter 08-13.

FC § 17305. Transition from district attorney to local agency.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17305.

(a) In order to achieve an orderly and timely transition to the new system with minimal disruption of services, the director shall begin the transition from the office of the district attorney to the local child support agencies pursuant to Section 17304, commencing January 1, 2001.

FC § 17304. County departments of child support services; duties;...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17304.&lawCode=FAM.

...Each county shall establish a new county department of child support services.

Each department is also referred to in this division as the local child support agency.

(b) The director shall have direct oversight and supervision of the Title IV-D operations of the local child support agency, and no other local or state agency shall have any authority over the local child support agency as to any function relating to its Title IV-D operations. The local child support agency shall be responsible for the performance of child support enforcement activities required by law and regulation in a manner prescribed by the department. The administrator of the local child support agency shall be responsible for reporting to and responding to the director on all aspects of the child support program.

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450&lawCode=FAM.

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

45 CFR § 303.100. Procedures for income withholding.

<http://www.gpo.gov/fdsys/pkg/CFR-2010-title45-vol2/pdf/CFR-2010-title45-vol2-sec303-100.pdf>,

(a)(8) The State must have procedures for promptly refunding to noncustodial parents amounts which have been improperly withheld.

45 CFR § 303.102. Collection of overdue support by State income tax refund offset.

<http://www.gpo.gov/fdsys/pkg/CFR-2010-title45-vol2/pdf/CFR-2010-title45-vol2-sec303-102.pdf>.

(c)(2) If the offset amount is found to be in error or to exceed the amount of overdue support, the State IV-D agency must take steps to refund the excess amount in accordance with procedures that include a mechanism for promptly reimbursing the noncustodial parent.

45 CFR § 303.72. Request for collection of past-due support by Federal tax refund offset.

<http://www.gpo.gov/fdsys/pkg/CFR-2010-title45-vol2/pdf/CFR-2010-title45-vol2-sec303-72.pdf>.

(h)(4) If the amount collected is in excess of the amounts required to be distributed under section 457 of the Act, the IV-D agency must repay the excess to the noncustodial parent whose refund was offset or to the parties filing a joint return within a reasonable period in accordance with State law.

(g)(4) (4) If, as a result of the administrative review, an amount which has already been offset is found to have exceeded the amount of past-due support owed, the IV-D agency must take steps to refund the excess amount to the noncustodial parent promptly.

CSS Letter 08-13. “Over-Collection and Non-Support Collection Refund Policy”

<https://central.dcss.ca.gov/PPR/Child%20Support%20Services%20Letters/Over%20Collection%20and%20Non%20Support%20Collection%20Refund.pdf>.

“Pursuant to 45 Code of Federal Regulations (CFR), §303.72 and §303.100, states are directed to refund intercepted federal tax refunds and income withholding over-collections within a reasonable time period. DCSS has determined that a reasonable time period is one that will hold a collection for the least amount of time possible while still reducing the risk to the State General Fund due to returned item adjustments (e.g., non-sufficient funds and stop payments), and allowing sufficient time for the LCSA to request the non-custodial parent’s (NCP) consent to apply the over-collection to futures. A 15 business day determination period has been selected. Over-collections from all payment sources, with the exception of NCP Regular Payment (a voluntary payment made by or on behalf of the NCP) and Voluntary Military Allotment, must be refunded to the obligor within 2 business days after the 15 business day determination period (15 business days after the date of distribution). Over-collections from NCP Regular payment source and Voluntary Military Allotment payment source do not require the obligor’s consent to apply to futures. Therefore, these two payment sources are not subject to this over-collection refund policy.”

12-520.1.12 When an over collection is refunded to the noncustodial parent and is returned by the post office as undeliverable, the district attorney shall:

12-520.1.12.121 Attempt to find a current address through standard locate sources.

Repeal MPP subsections 12-520.1.12 through 12-520.1.12.121. The duties and responsibilities of the district attorneys have been transferred to the LCSAs. The FTB Child Support Program has been eliminated. Subsections are superseded by existing provisions.

Propose new CCR 119905(a)(2) to replace 12-520.1.12 and update reference to LCSA instead of to district attorney.

Propose new CCR 119905(a)(2)(A) to replace 12-520.1.12.121 and replace the term “standard locate sources” with “locate sources per 22 CCR 113100.” This change clarifies the procedure that LCSAs will follow to find the noncustodial parent and is consistent with current regulation.

FC § 17305. Transition from district attorney to local agency.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17305.

(a) In order to achieve an orderly and timely transition to the new system with minimal disruption of services, the director shall begin the transition from the office of the district attorney to the local child support agencies pursuant to Section 17304, commencing January 1, 2001.

FC § 17304. County departments of child support services; duties;...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17304&lawCode=FAM.

...Each county shall establish a new county department of child support services.

Each department is also referred to in this division as the local child support agency.

(b) The director shall have direct oversight and supervision of the Title IV-D operations of the local child support agency, and no other local or state agency shall have any authority over the local child support agency as to any function relating to its Title IV-D operations. The local child support agency shall be responsible for the performance of child support enforcement activities required by law and regulation in a manner prescribed by the department. The administrator of the local child support agency shall be responsible for reporting to and responding to the director on all aspects of the child support program.

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450&lawCode=FAM.

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

45 CFR § 303.3. Location of noncustodial parents.

<http://www.gpo.gov/fdsys/pkg/CFR-2010-title45-vol2/pdf/CFR-2010-title45-vol2-sec303-3.pdf>.

(b) For all cases referred to the IV-D program for IV-D services because of an assignment of support rights or cases opened upon application for IV-D services under §302.33 of this chapter, the IV-D program must attempt to locate all noncustodial parents or their sources of income and/or assets when location is needed to take a necessary action. Under this standard, the IV-D program must: (1) Use appropriate location sources such as the Federal PLS...

22 CCR § 113100. Local Child Support Agency Responsibilities.

[https://govt.westlaw.com/calregs/Document/I06A978C0D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I06A978C0D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).

(a) Each local child support agency shall:

(1) Use all appropriate locate sources when the noncustodial parent's location is unknown. Appropriate locate sources include, but are not limited to: ...

(h) Within 5 business days of determining that contact with a custodial party has been lost and that custodial party must be located because the local child support agency has a child support collection to distribute to that custodial party, the local child support agency shall attempt to locate that custodial party for 6 months using the locate resources specified in subsection (a)(1).

(1) Contact with a custodial party shall be determined lost when all attempts by a local child support agency to telephone and correspond with a custodial party utilizing all known telephone numbers and addresses, including e-mail have failed. In addition to the locate resources specified in subsection (a)(1), the local child support agency shall attempt to locate the custodial party by contacting employers, relatives and friends of the custodial party, if known.

(2) When a custodial party cannot be contacted after 6 months of locate attempts, a local child support agency shall return the undeliverable payment(s) to the noncustodial parent with written notification advising the noncustodial parent that the return of the support does not relieve the noncustodial parent of the support order, and the noncustodial parent should consider placing the funds aside for purposes of child support in case the custodial party appears and seeks collection of the undistributed payments.

PI Letter 04-29 (dated April 16, 2004). Locating a non-custodial parent (NCP) to refund a payment in a closed case.

<https://central2.dcss.ca.gov/PPR/Policy%20Interpretations/Locating%20NCP%20in%20a%20Closed%20Case%20to%20Refund%20Payment.pdf>.

QUESTION: Does the six-month period for locating the NCP apply to a case that is already closed and has undistributable collections? Also, when would you start counting the six months?

RESPONSE: Yes. The policy stated in the DCSS memo dated December 30, 2003, applies whether the case is open or closed. LCSAs must follow the appropriate procedures described in the memo to disburse the undistributable collections in a timely manner.

Pursuant to CCR, Title 22, Section 118203(a)(11)(C), if the LCSA is unable to distribute a payment to the custodial party (CP), they shall attempt to locate the CP for six months pursuant to Section 113100(h), before it qualifies for closure under this criterion. Section 113100(h) states, "Within 5 business days of determining that contact with a custodial party has been lost and that custodial party must be located because the local child support agency has a child support collection to distribute to that custodial party, the local child support agency shall attempt to locate that custodial party for 6 months using the locate resources specified in subsection (a)(1)." The Department's policy is to apply this requirement to the NCP as well.

12-520.1.12.122 Deposit and retain the undeliverable over collection in a trust fund until one of the following occurs:

12-520 .1.12.122(a) The location of the noncustodial parent becomes known to the district attorney and the amount of the over collection is refunded to the noncustodial parent; or

12-520 .1.12.122(b) The undeliverable over collection has remained in the trust fund for three years.

Repeal MPP subsections 12-520.1.12 through 12-520.1.12.121. The duties and responsibilities of the district attorneys have been transferred to the LCSAs. The FTB Child Support Program has been eliminated.

Propose new CCR 119905(a)(2)(B) to replace regulation previously located in MPP 12-520.1.12.122. Replaces the outdated term “trust fund” with “Child Support Payment Trust Fund.” The original term meant the local agency trust fund used by the district attorney and does not accurately reflect current practices. The current state trust fund is the Child Support Payment Trust Fund established by FC Section 17311.

Propose new CCR 119905(a)(2)(B)(1). This subsection contains regulation previously located in MPP 12-520.1.12.122(a) and replaces the reference to the district attorney with LCSA.

Propose new CCR 119905(a)(2)(B)(2). This subsection contains regulation previously located in MPP 12-520.1.12.122(b) and replaces the outdated term “trust fund” with “Child Support Payment Trust Fund.” The original term meant the local agency trust fund used by the district attorney and does not accurately reflect current practices. The current state trust fund is the Child Support Payment Trust Fund established by FC Section 17311.

FC § 17305. Transition from district attorney to local agency.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17305.

(a) In order to achieve an orderly and timely transition to the new system with minimal disruption of services, the director shall begin the transition from the office of the district attorney to the local child support agencies pursuant to Section 17304, commencing January 1, 2001.

FC § 17304. County departments of child support services; duties;...

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17304.&lawCode=FAM.

...Each county shall establish a new county department of child support services. Each department is also referred to in this division as the local child support agency.

(b) The director shall have direct oversight and supervision of the Title IV-D operations of the local child support agency, and no other local or state agency shall have any authority over the local child support agency as to any function relating to its Title IV-D operations. The local child support agency shall be responsible for the

performance of child support enforcement activities required by law and regulation in a manner prescribed by the department. The administrator of the local child support agency shall be responsible for reporting to and responding to the director on all aspects of the child support program.

FC § 17450. Definitions; manner of collecting child support delinquencies; return or retention; delegation agreement and interagency agreement between department and Franchise Tax Board.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=17450.&lawCode=FAM.

(d) It is the intent of the Legislature that when the California Child Support Enforcement System (CSE) is fully operational, any statutes that should be modified based upon the status of the system shall be revised. During the development and implementation of CSE, the department, as the Title IV-D agency, may, through appropriate interagency agreement, delegate any and all of the functions or procedures specified in this article to the Franchise Tax Board. The Franchise Tax Board shall perform those functions or procedures as specified in Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code until such time as the director, by letter to the executive officer of the Franchise Tax Board, revokes such delegation of Title IV-D functions. Sections 19271 to 19275, inclusive, of the Revenue and Taxation Code shall be effective for these purposes until the revocation of delegation to the Franchise Tax Board.

FC § 17311 Child Support Payment Trust Fund

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=17311.

(a) The Child Support Payment Trust Fund is hereby created in the State Treasury. The department shall administer the fund.

(b) (1) The state may deposit child support payments received by the State Disbursement Unit, including those amounts that result in overpayment of child support, into the Child Support Payment Trust Fund, for the purpose of processing and providing child support payments. Notwithstanding Section 13340 of the Government Code, the fund is continuously appropriated for the purposes of disbursing child support payments from the State Disbursement Unit.

GOV § 29802. Warrants, General.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=29802.&lawCode=GOV.

(a) Unless otherwise provided by ordinance, any warrant issued is void if not presented to the county treasurer for payment within six months after its date. Whenever, under the provisions of this section, warrants drawn on trust funds became void, the moneys in the county treasury represented by the warrants may be transferred to the general fund of the county by the county auditor unless disposition is otherwise provided by law.

(b) Any time within two years from the date on which the original warrant became void, the payee or assignee of any warrant which is void as provided in this section may present the warrant to the governing body of the agency on which the warrant was drawn, or declare by affidavit that the warrant has been lost or destroyed, and the governing body may by resolution authorize the auditor to draw new warrants within the limitations prescribed by the resolution without prior individual order of the governing body, provided the limitations prescribed by this section have been complied with. The new warrant shall be subject to the same limitations as the original warrant which it replaces.

(c) If, at any time after a period of two years from the date on which the original warrant became void, or during such other period of time as specified by ordinance, the payee or assignee presents such warrant to the governing body of the agency on which the warrant was drawn, the governing body may adopt an order instructing the county auditor to draw a new warrant in favor of the payee or assignee in the same amount as the original warrant, or the governing body, by resolution, may authorize the auditor, without prior individual order of the governing body, to draw warrants within the limitations prescribed by the resolution in any case in which the auditor determines that it would be inequitable or unreasonable not to draw the warrant, and money is available in the county treasury to make payment on the indebtedness. If the auditor deems it necessary, he or she may present a voided warrant to the governing body for its review, approval, and appropriation of funds. Any such new warrant shall be subject to the same limitations as the original warrant which it replaces.

22 CCR § 113100. Local Child Support Agency Responsibilities.

[https://govt.westlaw.com/calregs/Document/I06A978C0D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I06A978C0D4C111DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

(a) Each local child support agency shall:

(1) Use all appropriate locate sources when the noncustodial parent's location is unknown. Appropriate locate sources include, but are not limited to: ...

(h) Within 5 business days of determining that contact with a custodial party has been lost and that custodial party must be located because the local child support agency has a child support collection to distribute to that custodial party, the local child support agency shall attempt to locate that custodial party for 6 months using the locate resources specified in subsection (a)(1).

(1) Contact with a custodial party shall be determined lost when all attempts by a local child support agency to telephone and correspond with a custodial party utilizing all known telephone numbers and addresses, including e-mail have failed. In addition to the locate resources specified in subsection (a)(1), the local child support agency shall attempt to locate the custodial party by contacting employers, relatives and friends of the custodial party, if known.

(2) When a custodial party cannot be contacted after 6 months of locate attempts, a local child support agency shall return the undeliverable payment(s) to the noncustodial parent with written notification advising the noncustodial parent that the return of the support does not relieve the noncustodial parent of the support order,

and the noncustodial parent should consider placing the funds aside for purposes of child support in case the custodial party appears and seeks collection of the undistributed payments.

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Section 50050, Government Code.

Authorities

The Authorities citations are migrated and references to outdated or repealed Welfare and Institutions Codes (WIC) are deleted and replaced with current FC where appropriate.

WIC Section 10553

This is an outdated citation. The code refers to the administration of public social services by the director of the California Department of Social Services (CDSS). It is replaced in this citation by FC Sections 17306 and 17310 which grant authority to the director of DCSS to administer the state plan for securing child support.

WIC Section 10554

This is an outdated citation. The code granted CDSS the authority to adopt regulations, orders, or standards to implement, interpret, or make specific the law enforced by that department. It is replaced in this citation by FC Section 17312 which grants rulemaking authority to the director of DCSS.

WIC Section 11475

WIC Section 11475 is being repealed. This code designated CDSS as the single organizational unit to administer the state plan for child support and was repealed in 1999.

WIC Section 11479.5

WIC Section 11479.5 is being repealed. This code gave CDSS the authority to develop and implement regulations regarding family support enforcement and was repealed in 1999.

References

Government Code (GC) Section 50050

GC Section 50050 is an outdated citation. The code authorizes the transfer of unclaimed funds to the local agency and is replaced by FC Section 17311. At the

time that the MPP was adopted, local district attorneys administered child support collections for their counties. Since then, DCSS has assumed authority for administering the state child support program and, per FC Section 17311, the state Child Support Payment Trust Fund is used for processing child support payments.

45 CFR Section 303.72

This citation is added to clarify the timeframe for DCSS to promptly refund excess amounts collected from federal tax refund offsets to the noncustodial parent. It is referenced in CSS Letter 08-13.

45 CFR Section 303.100

This citation is added to clarify the timeframe for DCSS to promptly refund income withholding order amounts which have been improperly withheld to the noncustodial parent. It is referenced in CSS Letter 08-13.