
**CHILD SUPPORT PROGRAM
ADMINISTRATIVE STANDARDS FOR STATE IV-D AGENCY**

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**CHILD SUPPORT PROGRAM
STATE IV-D AGENCY**

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DIVISION 12 ADMINISTRATIVE STANDARDS FOR STATE IV-D AGENCY

12-000 GENERAL STATEMENT 12-000

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Pursuant to Public Law 93-647 as amended by Public Law 94-88, the Department of Social Services has been designated the single state agency to administer the Child Support Enforcement Program (Title IV-D of the Social Security Act). Regulations governing the functions of the county welfare department with respect to the child support program are to be found in Division 43 of the EAS Manual. A Plan of Cooperation has been developed and executed with each county which delegates certain functions of the program to local district attorney offices. The purpose of such plan is to establish responsibilities and guidelines for an effective program for the securing of financial support. Including, but not limited to, identification and location of absent parents, determination of paternity of children born out of wedlock, determination of the absent parents' ability to support their minor children, establishment and enforcement of child support, establishment and enforcement of medical support, and enforcement of existing spousal support obligations when enforced in conjunction with a child support obligation.

HANDBOOK ENDS HERE

12-003 PLAN OF COOPERATION (STATE) 12-003

HANDBOOK BEGINS HERE

The Plan of Cooperation mentioned above generally contains provisions regarding the responsibilities of the State Department of Social Services.

.1 through .8 repealed per Manual Letter No. CS-91-03, effective 10/1/91.

The responsibilities of the district attorneys are also contained in the Plan of Cooperation. A model plan is found in Appendix I of this chapter.

HANDBOOK ENDS HERE

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APPENDIX I**PLAN OF COOPERATION****I
PURPOSE**

This Plan of Cooperation is entered into between the _____ County District Attorney, hereinafter referred to as the "District Attorney", and the California State Department of Social Services, hereinafter referred to as the "Department". The purpose of the Plan is to identify each agency's respective efforts and responsibilities relating to Title IV-D of the Social Security Act for securing support and determining paternity, hereinafter referred to as "Title IV-D."

The Plan establishes responsibilities and guidelines for all appropriate administrative and casework functions required by Federal regulations and State laws. These functions include, but are not limited to: locating absent parents; determining paternity of children born out of wedlock; determining the ability of parents to support their minor children; establishing child support obligations; modifying existing child and spousal support orders; establishing, enforcing, and modifying orders to obtain medical support; collection and distribution of child support monies; and maintaining records and preparing reports in compliance with State and Federal laws and California's Title IV-D State Plan.

**II
CONFIDENTIALITY**

The use of disclosure of information concerning applicants and recipients will be limited to purposes directly connected with the administration of the State Plan for establishing paternity and establishing, enforcing, and modifying child support obligations pursuant to Federal and State laws and regulations. This includes, but is not necessarily limited to, the release of information obtained in connection with establishing eligibility; determining amounts of assistance; identifying and locating putative or deserting parents; establishing paternity; enforcing support obligation; investigating welfare fraud; and any investigation, prosecution or criminal or civil proceeding, conducted in connection with the administration of the State Plan. No information which identifies any applicant or recipient of public assistance by name or address shall be disclosed to any committee or legislative body.

APPENDIX I (Continued)**III
ORGANIZATION**

The Department of Social Services is the single organizational unit whose duty is to administer, supervise and monitor the Title IV-D State Plan. The Department is responsible and accountable for the statewide operation of the Title IV-D Program. The Department shall take such steps as are provided by laws and regulations to ensure that Title IV-D functions are carried out properly, efficiently and effectively.

The District Attorney shall maintain a single organizational unit which shall have responsibility for promptly, efficiently and effectively performing Title IV-D functions, and providing services to applicants and recipients, as delegated in this Plan.

The District Attorney may, upon approval of the Department, and as provided by Federal law, enter into cooperative arrangements with other county departments, to carry out his/her Title IV-D responsibilities under this Plan. (No Title IV-D functions may be delegated by District Attorney to other county departments if such functions are to be performed by caseworkers who are also performing assistance payments or social services functions under Title IV-A or XX of the Social Security Act.) The services of private vendors may also be utilized as permitted by State and Federal laws.

When delegating Title IV-D functions to public agencies or private vendors, the District Attorney shall retain overall responsibility and accountability for the execution of such services performed under cooperative arrangements or contract. The District Attorney shall ensure that all delegated Title IV-D functions are carried out properly, efficiently and effectively.

APPENDIX I (Continued)**IV
STANDARDS**

The Department shall maintain an organizational structure and sufficient staff to efficiently and effectively administer and supervise all of the functions for which it is responsible under the Title IV-D State Plan.

The District Attorney shall maintain an organizational structure and sufficient staff to efficiently and effectively accomplish all of the Title IV-D functions for which he/she is responsible under this Plan.

The District Attorney shall maintain the following types of staff in sufficient numbers to achieve the standards for an effective program: (1) attorneys or prosecutors to represent the agency in court, at hearings or administrative proceedings with respect to the Title IV-D program and (2) other personnel such as legal, interviewer, investigative, collection, accounting, clerical management, administrative, paralegal and other supportive staff.

APPENDIX I (Continued)**V
RESPONSIBILITIES**

The Department shall have each of the following Title IV-D responsibilities:

- (1) Use equitable standards that are mandatory throughout the State, to ensure that this Plan is continuously in operation by the District Attorney and all appropriate county agencies;
- (2) Ensure that the Title IV-D State Plan is amended as required to reflect new or revised Federal statutes or regulations or material changes in any phase of State law, organization, policy or state or county agency operation;
- (3) Prepare and actively pursue legislative proposals needed to conform State laws to Federal Title IV-D laws and regulations;
- (4) Develop directives and regulations informing the District Attorney and appropriate county agencies of State and Federal policies, standards, procedures and instructions relative to administration of the Title IV-D Program, including providing essential, short-term training to county staff as necessary;
- (5) Develop, implement and/or maintain, as appropriate, State-level systems and methods for locating absent parents and collecting support payments, including tax intercept systems, unemployment, state disability insurance, and worker's compensation intercept systems, parent locator services, credit reporting, etc.;
- (6) Prepare, maintain, publish and distribute a brochure describing the Title IV-D Program and to publicize the availability of support services through a variety of methods, including public service announcements, posters, etc.;
- (7) Ensure that the county welfare agency provides all reasonable assistance necessary to permit the District Attorney to meet State and Federal standards for program performance;
- (8) Make available to the District Attorney a list of laboratories within the State that perform legally and medically acceptable genetic testing of blood or other tissue, which tend to identify the father or exclude the putative father from paternity.

APPENDIX I (Continued)

- (9) Request Federal exemption from the expedited process requirements for the District Attorney when a request is submitted which qualifies based on timeliness and effectiveness.
- (10) Establish systems and procedures to facilitate the District Attorney's claiming, and the Department's payment, of State and Federal incentives and Federal matching funds;
- (11) Allocate and distribute incentive payments to the District Attorney as may be required when more than one county within the State is involved in the enforcement of collections;
- (12) Review, evaluate and monitor electronic data processing efforts undertaken by the District Attorney, including reviewing, planning and procurement documents, and granting/denying approval, making recommendations for Federal approval and/or returning for revision or correction as needed, as described in Division 28 of the Department's Manual of Operations;
- (13) Monitor and evaluate operations by the District Attorney;
- (14) Apply such penalties to the District Attorney for unmet audit criteria or performance-related criteria as specified in Federal regulations;
- (15) To withhold funds to the District Attorney for any period, as applicable, until complete and accurate financial and statistical reports are received by each report's specified due date, unless the Department determines that good cause, defined as circumstances beyond the District Attorney's control exists;
- (16) To maintain and update the Department's Title IV-D Child and Spousal Support Program Procedure Manual as required by changes in Federal and State laws, regulations and policies; and,
- (17) To invoke the actions required by Welfare and Institutions Code Section 11475.2 if the Director of the Department considers any public agency to be failing in a substantial manner to comply with a Title IV-D State Plan requirement.

APPENDIX I (Continued)**VI
DISTRICT ATTORNEY'S RESPONSIBILITIES**

The District Attorney shall have each of the following Title IV-D responsibilities:

- (1) Comply with Title IV-D of the Social Security Act; comply with the Federal regulations which implement Title IV-D; and with any other applicable Federal regulations and requirements;
- (2) Comply with State statutes and regulations applicable to the Administration of the Title IV-D program and the State Plan; and comply with the directives issued by the Department regarding Federal and State law, policies, standards, procedures, and instructions relative to the administration of the Title IV-D program and State Plan;
- (3) Provide Title IV-D support services without charge to any individual, agency, or institution that makes application for such services;
- (4) Implement the Department's Title IV-D Child and Spousal Support Program Procedure Manual, update/develop county issued procedures to supplement the procedure manual as needed, and distribute appropriate sections to each employee performing Title IV-D functions;
- (5) Establish a Title IV-D case record to include all relevant information necessary for proper and efficient case processing in accordance with 45 CFR 303.2;
- (6) Unless a Federal exemption from expedited process regulations has been obtained through the Department, enter into an agreement with the Superior Court for an expedited process;
- (7) Delay investigation and any other actions on a Title IV-D case upon notification by the county welfare department that a child is being considered for adoption, until notified by the county welfare department that the adoption is no longer under consideration;
- (8) Review, comment and make recommendations on good cause findings made by the county welfare agency;

APPENDIX I (Continued)

- (9) Not undertake establishing (including paternity) or enforcement action in a Title IV-D case, or to suspend all such efforts, if there has been a finding of good cause, unless the county welfare agency determines that child support services may proceed without the participation of the caretaker relative;
- (10) Attempt to quarterly locate all absent parents when their location is unknown, including to:
 - (a) Use appropriate local locate sources such as officials and employees administering public assistance, general assistance, medical assistance, food stamps and social services; relatives and friends of the absent parent; current or past employers; the local telephone company; the United States Postal Services; financial references, unions, and fraternal organizations; and police, parole and probation records;
 - (b) Use the California Parent Locator Service located in the Department of Justice, in accordance with instructions and guidelines, and in such format, as may be prescribed by that agency to access other information sources, including the Federal Parent Locator Service when requesting other States to undertake location activities;
- (11) Undertake efforts to establish paternity for any child in a Title IV-D case that is under the age of 18 and was either: 1) born out of wedlock or 2) born during a marriage, but paternity is being disputed, including administering a paternity questionnaire; securing a stipulation or court order establishing paternity; and investigating and developing evidence through the use of pre-trial depositions, blood and HLA tests, and polygraph tests, when necessary, except that no polygraph tests shall be administered to any applicant or recipient of public assistance without written notice to, and written consent from, the applicant/recipient;
- (12) Undertake efforts to establish child support obligations for any child in a Title IV-D case for whom one has not been previously established. This activity includes, but is not limited to, obtaining and/or preparing income and expense declarations; computing support awards using the statewide standard; and securing a stipulation or order for current support and reimbursement of public assistance, including provisions for wage assignments;

APPENDIX I (Continued)

- (13) For all Title IV-D cases with a court ordered child and/or medical support obligation, identify those cases in which there is a failure to comply with the support obligation and take timely and appropriate enforcement action as required by State laws and Federal regulations to obtain payment of the current support and any arrearages, including but not limited to:
- (a) Income withholding;
 - (b) All intercept, match, and notification systems operated by the Department, including those for intercepting State and Federal tax refunds, unemployment insurance benefits, etc.;
 - (c) Liens against real or personal property;
 - (d) Criminal and/or civil contempt proceedings;
 - (e) Garnishment proceedings;
 - (f) Require an obligor to give security, post a bond, or give some other guarantee to secure payment of support;
 - (g) Make information regarding the amount of overdue support owed by an obligor available to consumer reporting agencies and participate in the Child Support Credit Reporting System;
- (14) Enforce health insurance provisions in all new or modified court orders in Title IV-D cases as required by State laws and Federal regulations and to notify the Department of Health of any such orders in Title IV-D AFDC cases that include a medical support obligation;
- (15) Review and seek modifications of support obligations periodically, using the Department's criteria for both child support and medical support, whenever the District Attorney becomes aware of changes in the factors which determine the amount of support obligations or at the absent/custodial parent's request;
- (16) Collect spousal support in conjunction with child support payments;
- (17) Utilize reciprocal arrangements adopted with other California counties and other States to assist in processing Title IV-D cases;

APPENDIX I (Continued)

- (18) Refer Title IV-D cases to the appropriate agency of another California county or another state when necessary, and provide such agency sufficient information to act on the case, including, but not limited to, the following:
- (a) The AFDC or non-AFDC status of the child(ren) and any changes in status;
 - (b) The amount of the monthly assistance payment and the amount of unreimbursed assistance, if any;
 - (c) Any other information as may be requested or required;
- (19) When another State has failed to initiate timely enforcement action, and in accordance with Federal regulations, submit a request to the California Attorney General, in a form and manner prescribed by that office, asking for permission to utilize a United States District Court to enforce the order in an eligible Title IV-D case;
- (20) When all reasonable collection efforts and mechanisms have failed, and in accordance with Federal regulations, to submit a request to the California Attorney General, in a manner and format prescribed by that office, asking that the Title IV-D case be forwarded to the United States Treasury Department for collection;
- (21) For all Title IV-D cases with a court-ordered obligation or voluntary payment agreement, establish and maintain records to allow all collections to be accurately and completely documented, monitored, tracked and disbursed, such as accounting, disbursement and/or distribution (AFDC cases only) records in accordance with Division 25, Section 900-925, of the Department's Manual of Policy and Procedures, including but not limited to:
- (a) A completed CS 831 Collection Accounts Receivable form, or a Department approved substitute, showing a history of all of the assigned and unassigned support collections made on the account, including receipt date and the receipt number;
 - (b) A completed CS 278M Child and Spousal Support Transmittal, or a Department approved substitute, for each assigned support collection that has been received on the account showing how the amount was disbursed and distributed; and,

APPENDIX I (Continued)

- (c) A completed CS 278L Child and Spousal Support Case History and List of Authorization form, or a Department approved substitute, summarizing the information contained on the CS 278M forms and showing the total amount of unreimbursed assistance remaining on the case;
- (22) Report the following information on Title IV-D cases to the County welfare department on a timely basis:
- (a) Collection or other information that is necessary to the determination and redetermination of eligibility; and,
 - (b) Instances in which the AFDC applicant/recipient has failed to cooperate in Title IV-D activity as required by Federal and State statutes and regulations;
- (23) Annually, notify current and former AFDC recipients, who have assigned their support rights, of amounts of assigned support collections made during the previous year and indicating the amount of support collected that was forwarded to the family;
- (24) Compile and maintain complete and accurate financial and statistical information and data, and submit such information and data in a manner which meets State and Federal requirements as specified below. Complete reports are defined as reports in which all line items contain all applicable information required by the Department (refer to Department's Fiscal Manual, Division 25);

APPENDIX I (Continued)

Form #	Form Name	Due Date
CS 356	IV-D Child Support Expenditures and Certification	12th working day after the end of the quarter
CS 800	Summary Report of Child and Spousal Support Payments	8th working day of month following the month of distribution
CS 820	Child/Spousal Support Collections Summary Report	15th working day after the month of distribution
CS 825A	Monthly Accounts Receivable Report	15th working day after the end of the month
CS 825B	Annual Point in Time Report of Counts	15th working day of October
CS 850	Monthly Statistical Report on Child Enforcement Activities	15th working day after the end of the month

- (25) Investigate, or refer to the Special Investigative Unit of the county welfare department, cases of suspected welfare fraud;
- (26) Make all Title IV-D records maintained under this plan available for review and/or audit by authorized Federal, State and county officials;
- (27) Develop and implement a corrective action plan, acceptable to the Department and/or the Federal Government, for any noncompliance finding identified in any Federal or State audit or State program review;
- (28) Provide reasonable and essential training to full and part-time staff, for which the costs shall be reimbursed in accordance with applicable State and Federal law;
- (29) Obtain prior approval for all electronic data processing feasibility, development, implementation, maintenance and enhancement/modification projects, and related costs, as required by State regulations contained in Division 28 of the Department's Manual of Operations; and
- (30) Distribute on a flow basis the Department's Title IV-D Program brochure to requesters and quarterly undertake an outreach program to inform the public that Title IV-D services are available to non-AFDC applicants.

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APPENDIX I (Continued)**VII
FISCAL ACCOUNTABILITY**

The Department shall maintain an accounting system and supporting fiscal records adequate to assure that claims for Federal funds are made in accordance with applicable Federal requirements and shall retain such records as required by Federal regulations. The Department shall develop instructions in accordance with applicable State and Federal statutes and regulations for the preparation and submission of indirect cost rate proposals and claims for Federal funds. The Department shall distribute such instructions to the appropriate county agencies (Department's Manual of Policy and Procedures, Section 900-975).

The District Attorney shall maintain an accounting system and supporting fiscal records adequate to assure that claims for Federal funds are made in accordance with applicable Federal and State requirements and shall retain such records as required by Federal regulation. Unless a Federal waiver to the requirement has been obtained through the Department, the District Attorney shall have procedures which ensure that staff responsible for handling cash receipts of support payments do not participate in accounting functions that would permit them to conceal the misuse of such receipts in the accounting records.

The District Attorney shall maintain a copy of the County's approved countywide cost allocation plan on file which identifies and describes the methods and procedures the County has established for properly charging the costs of administration, services, and training activities, estimated costs, the basis used for allocating the various pools of costs to programs and activities, and such other information as is necessary to document the cost allocation methods and procedures. The countywide cost allocation plan and claims for Federal funds shall be prepared and submitted and shall contain the information and documentation specified in the instructions promulgated by the Department.

Reimbursement for services will be conditioned upon meeting the responsibilities contained in the agreement.

APPENDIX I (Continued)**VIII
BONDING**

The District Attorney shall have the following responsibilities:

- (1) Ensure that every person who receives, disburses, handles, or has access to funds collected under the Title IV-D Program is covered by a bond against loss resulting from employee dishonesty;
- (2) Establish the bond in an amount which is sufficient to protect the county against loss from employee dishonesty;
- (3) Ensure compliance with these requirements by any other public or private agency with which a plan of cooperation or purchase of service agreement is established involving the cash handling and/or accounting function; and,

This bonding requirement may be satisfied by means of a self-bonding or self-insurance program which is adequate to cover any loss of child support funds from employee dishonesty. In such cases, the appropriate county official shall certify as follows:

"This county is self-bonded or self-insured for an amount which is adequate to cover any loss of child support funds from employee dishonesty."

These requirements do not reduce or limit the ultimate liability of the county IV-D agency for losses of child support collections from the IV-D Program.

APPENDIX I (Continued)**IX
CIVIL RIGHTS COMPONENT**

The Department and the District Attorney shall adhere to the following civil rights requirements:

(1) Purpose

The Title IV-D Program shall be operated in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, Title VI Section 504 of the Rehabilitation Act of 1973, as amended, the Age Discrimination Act of 1975 and other applicable Federal and State laws which prohibit discrimination on the basis of race, color, national origin, age, political affiliation, religion, marital status, sex, or handicap. Administrative methods or procedures which have the effect of subjecting individuals to discriminatory treatment or defeating the objectives of these laws are prohibited.

(2) Scope

The policies and procedures for effecting compliance with the applicable laws shall apply to the District Attorney and the Department administering the program covered by this Plan.

The District Attorney shall maintain assurances of compliance with any vendor, contractor, or other agency participating in this program through agreement with the District Attorney. The District Attorney shall not be required to make such assurances on behalf of county departments.

(3) Dissemination of Information

The District Attorney shall make available to applicants and other interested persons information regarding the provisions of this part and its applicability to the IV-D program. This information shall be made available in a manner necessary to apprise such persons of the protections against discrimination assured them by the Civil Rights Act. Posters on nondiscrimination supplied by the Department shall be posted prominently in all waiting rooms. The telephone number of the person in the agency responsible for investigating complaints shall be placed on the poster in the appropriate spot.

APPENDIX I (Continued)**(4) Discriminatory Practices Prohibited**

No person shall be subjected to discrimination on the grounds of race, color, national origin, age, political affiliation, religion, marital status, sex, or handicap in the program covered by this Plan. Methods of administration shall not be utilized which have the effect of subjecting individuals to discrimination or defeating or substantially impairing accomplishments of the objectives of this part.

- (a) The District Attorney shall not subject any individual to segregation or separate treatment that is different from others on the grounds of race, color, national origin, age, political affiliation, religion, marital status, sex, or handicap.
- (b) The employment practices of the District Attorney shall not discriminate on the basis of race, color, national origin, age, political affiliation, religion, marital status, sex, or handicap where this would tend to subject applicants to discrimination in the IV-D program.
- (c) If a site or facility is to be located or relocated for the purposes of implementing this Plan, the District Attorney shall not make selections which have the effect of excluding applicants from this program or which would subject them to discrimination or which would substantially impair the accomplishment of the objectives of the Civil Rights laws.

(5) Corrective Action Requirements

In order to comply with the above, the District Attorney shall take positive steps to ensure that the program is not administered in a manner which discriminated on the basis of race, color, national origin, age, political affiliation, religion, marital status, sex, or handicap. This requires the District Attorney to analyze current practices to determine if any of these practices result in the unequal delivery of services to applicants and to take whatever measures are required to provide for equal delivery of services.

APPENDIX I (Continued)**(6) Compliance Requirements**

The Department shall cooperate with the District Attorney in obtaining compliance with the provisions of this part and shall provide assistance and guidance to the District Attorney to help obtain voluntary compliance. The Department shall keep records so as to provide the Department of Health and Human Services with timely, complete, and accurate compliance reports.

(7) Accessibility of Facilities

- (a) The State Building Code, Title 24, Parts 2, 3, and 5, of the California Administrative Code, contains the regulations governing structural accommodations for handicapped persons in public facilities.
- (b) When public areas (reception, waiting room, interview booth), public restrooms, employee restrooms, and public drinking fountains are provided, they shall be accessible to handicapped persons and identified by the international symbol of accessibility in compliance with the State Building Code. When parking is provided to the general public, it shall be accessible to handicapped persons pursuant to local ordinance and/or the State Building Code.

(8) Program Accessibility

- (a) The District Attorney, with instructions and assistance provided by the Department, shall evaluate its practices and policies to ensure they do not discriminate on the basis of handicap.
- (b) The District Attorney shall ensure that the IV-D program is readily accessible to handicapped persons.
- (c) In choosing available methods for meeting the requirements of this section, the District Attorney shall give priority to those methods that offer programs and activities to handicapped persons in the most integrated setting appropriate.
- (d) In the event that structural modifications are required to provide program accessibility, they shall conform to Accessibility standards approved by the Office of the State Architect, pursuant to Title CXXIV of the California Administrative Code.

APPENDIX I (Continued)

- (e) Where structural modifications are not practical, the agency shall provide services at an alternate accessible site.

(9) Auxiliary Aids

An agency shall provide auxiliary aids to persons with impaired hearing, speech, vision or manual skills where necessary to afford such persons an equal opportunity to benefit from aids or services. Auxiliary aids may include brailled and taped material, interpreters, teletypewriting machines and other effective aids for persons with impaired hearing, speech, vision or manual skills. Compliance with this section can be accomplished through use of volunteer services from community organizations and individuals.

(10) Provisions of Services to Non-English Speaking Persons

The District Attorney shall take such steps as necessary to ensure that a sufficient number of bilingual, culturally aware employees are assigned to public contact positions serving a substantial number of non-English speaking persons. These employees shall have the language skills and cultural awareness necessary to communicate fully and effectively with non-English speaking persons.

- (a) For purposes of determining the required number of bilingual staff, a "substantial number" is defined as five percent or more.
- (b) The District Attorney shall provide for interpreters, as appropriate, on a temporary basis until a sufficient number of bilingual staff are available. Such interpreters shall have sufficient knowledge of the terminology used in the Child Support Enforcement Program.
- (c) Where appropriate, the District Attorney shall take whatever steps are necessary to fulfill the requirements of this section, including but not limited to: reassignment of current bilingual staff, language training programs, filling vacancies with bilingual, culturally aware employees, establishing a recruitment program that includes use of non-English media and other actions as necessary.
- (d) When the percentage of non-English speaking persons is less than five-percent, the District Attorney shall ensure that effective bilingual services are provided. This requirement may be met through utilization of paid interpreters, qualified bilingual employees, qualified employees of other agencies or community resources.

APPENDIX I (Continued)

- (e) Applicants/recipients may provide their own interpreter; however, the District Attorney shall not require them to do so. Only under extenuating circumstances or at the specific request of the applicant/recipient shall the District Attorney allow a minor (under the age of 18 years) to act as an interpreter.
- (f) The District Attorney shall provide forms or other written material in the individual's primary language. When such forms or other written material contain spaces (other than "for agency use only") in which the District Attorney is to insert information, this inserted information shall also be in the individual's primary language.
- (g) Instructional and directional signs posted in the waiting areas and other places frequented by the public shall be translated into the appropriate non-English languages.

(11) Complaint Procedure

An individual may file a complaint alleging discriminatory treatment with the District Attorney or the Department or with the Department of Health and Human Services within 180 days of the alleged discriminatory act unless extended by the Department or the Federal agency.

- (a) All complaints of discriminatory treatment received by the Department will be referred to the District Attorney for investigation.
- (b) The District Attorney will investigate complaints in accordance with the provisions in the Department publication "Guidelines for Conducting Discrimination Investigations".
- (c) The District Attorney shall not assign an employee to investigate a complaint involving any action taken by him/her or by any employee under his/her immediate supervision.
- (d) Any corrective action determined to be necessary as a result of a discrimination complaint shall be initiated within 60 calendar days following completion of the investigation.
- (e) The District Attorney and the Department are prohibited from intimidating, threatening, coercing or discriminating against any individual for the purpose of interfering with any right or privilege secured under applicable laws or because he/she has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing under this part. Where possible, the identity of the complainant shall be kept confidential.

APPENDIX I (Continued)

- (f) If after review of the complainant's appeal and the District Attorney's investigative report the Department determines that further investigation is warranted, the Department shall so inform the complainant and the District Attorney and refer the complaint to the California Attorney General for investigation within 30 days of receipt of the appeal.
- (g) After consultation with the California Attorney General, the Department shall either: (1) advise the complainant that the State's investigation agrees with the District Attorney's findings; or (2) meet with the Attorney General and District Attorney to attempt a voluntary resolution of the discrimination complaint.

(12) Procedure for Effecting Compliance

If there appears to be a failure or threatened failure to comply with any of the provisions of this agreement, and if the noncompliance cannot be corrected by informal means, compliance with this part will be effected by taking appropriate action in cooperation with the California Attorney General. Should the agency fail to comply with the requirements of this or any other part of this agreement, fiscal sanctions or other legal remedies may be invoked in accordance with Welfare and Institutions Code Sections 10605 and 11475.1 or Government Code Section 11135-39.

**X
TERM**

This Plan of Cooperation shall begin effective October 1, 1990, and end effective September 30, 1992. It shall be renewed upon the same terms for additional periods of 2 years contingent upon written agreement of both parties.

This agreement may be amended by either party by written mutual consent and will be revised to meet changing Federal and State requirements.

Dated:

Dated:

District Attorney

Department of Social Services

CHILD SUPPORT PROGRAM
CHILD SUPPORT ENFORCEMENT PROGRAM COMPONENTS AND STANDARDS

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CHAPTER 12-100 CHILD SUPPORT ENFORCEMENT PROGRAM COMPONENTS AND STANDARDS**12-101 GENERAL****12-101**

- .1 The specific program components of the Child Support Enforcement Program shall be:
 - .11 Location of absent parents.
 - .12 Establishment of paternity for children born out of wedlock or for whom paternity is contested.
 - .13 Establishment and modification of court orders for the support of children, including medical support.
 - .14 Enforcement of support orders for children and their custodial parents.
 - .15 Collection and distribution of support payments.
- .2 Definitions of terms used in these regulations, which are common to the Child Support Enforcement Program, are found in MPP Sections 12-301, 12-405, 12-501, 12-601, and 12-701.
- .3 Definitions of terms specific to these regulations are:
 - (a)
 - (1) "Aid" -- means assistance payments to former recipients of Aid to Families with Dependent Children (AFDC); current and former recipients of California Work Opportunity and Responsibility to Kids (CalWORKs), which includes legal immigrant cases; Foster Care; and Medi-Cal.
 - (2) "Alleged absent parent" -- means the person identified by the custodial parent as the child's other parent for which there is sufficient supporting evidence to legally proceed with the case.
 - (3) "Application" -- means a written document provided by the local child support agency in which an individual requests support services and which is signed by the individual.
 - (4) "Arrearage" -- means the unpaid support payments for past periods owed by a parent who is obligated to pay by court order.
 - (5) "Assigned collection" -- means a collection which is used to recoup aid paid to the family.
 - (6) "Automated locate source" -- means any locate source in which data is maintained in an automated fashion, regardless of how it is accessed, and the data is updated constantly, i.e., daily, weekly, monthly, or quarterly.

CHILD SUPPORT ENFORCEMENT PROGRAM COMPONENTS AND STANDARDS

12-101 GENERAL (Continued)

12-101

- (b) "Business Day" -- means the day that the local child support agency's office is open for business.
- (c) (1) "California Central Registry" -- means the California Central Registry within the State Department of Justice which operates as a clearinghouse for incoming interstate child support cases.
- (2) "Case action" -- means any documented activity taken or initiated by the local child support agency to further case processing.
- (3) "Case status" -- means that the case is either currently receiving assistance, formerly received assistance, or never received assistance.
- (4) "Collection month" -- means the month in which the support payment is received by the local child support agency.
- (5) "Compliance" -- means the local child support agency has attained either marginal compliance or substantial compliance as defined in these regulations.
- (6) "County welfare department" -- means the county department or departments which administer aid programs.
- (7) "Current support payment" -- means the amount of support collected which meets the court-ordered support obligation for the current month.
- (d) (1) "Date of collection" -- means the date that the support payment is initially received by a Title IV-D agency or employer depending upon the payment source for the purpose of determining entitlement to any payments to families.

(A) The date of collection for each payment source is as follows:

	Payment Source	Collection Date
1.	Bankruptcy Trustee	The date that the payment is received by the local child support agency initially making the collection.
2.	Board of Equalization	The date the payment is identified in the title of the transfer report.

CHILD SUPPORT ENFORCEMENT PROGRAM COMPONENTS AND STANDARDS

12-101 GENERAL (Continued)

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- | | | |
|-----|--|---|
| 3. | Bond | The date the payment is received by the local child support agency initially making the collection, if bond is deposited in a non-county fund. If money is deposited in a county fund, the date the payment is drawn for application. |
| 4. | Debtor Exam | The date received by the county. |
| 5. | Financial Management
Services Offset | The date identified in the title of the transfer report. |
| 6. | FTB Child Support
Collection Program | The date provided by the Franchise Tax Tax Board. |
| 7. | Intercept payments
[Internal Revenue
Service (IRS)/
Franchise Tax Board
(FTB)/Lottery
Commission] | The date the payment is identified in the title of the transfer report. |
| 8. | IRS Full Collection | The date initially received by the Attorney General, which is provided to counties. |
| 9. | Liens | The date that the payment is received by the local child support agency initially making the collection. |
| 10. | Military Allotment | The date the payment is received by the local child support agency initially making the collection. |

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CHILD SUPPORT ENFORCEMENT PROGRAM COMPONENTS AND STANDARDS

12-101 GENERAL (Continued)

12-101

11. Noncustodial parent payments
The date that the payment is received by the local child support agency initially making the collection.
12. Wage withholding
For purposes of determining entitlement to any payments to families, the date of collection is the date that the payment is withheld from the absent parent's wages by the employer. This date is provided by the employer.

If the employer does not provide this date, the local child support agency shall either contact the employer to obtain the date; or reconstruct the date by comparing the actual amounts collected with the pay schedule specified in the court order.
13. Writs/till taps
For purposes of determining entitlement to any payments to families, the date of collection is the date that the payment is received by the local child support agency after the period for appealing the action has expired.
14. Unemployment Insurance Disability Benefits
The date the benefit is issued payments to the absent parent which is identified on the transfer report, and labeled as the issue date.

CHILD SUPPORT ENFORCEMENT PROGRAM COMPONENTS AND STANDARDS

12-101 GENERAL (Continued)

12-101

- (B) The date of collection for each multi-jurisdictional payment source is as follows:

Payment Source	Collection Date
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- | | |
|-------------------------|--|
| 1. Intercounty payments | The date of collection is contingent upon contingent upon the payment source in the California county initially making the collection [see Section 12-101.3d.(1)(A)]. |
| 2. Interstate payments | For purposes of determining entitlement to any payments to families, the date of collection is contingent upon the payment source in the state initially making the collection. |
| (i) Initiating | For initiating jurisdictions (the other state Title IV-D agency initially makes the collection) the date of collection for purposes of determining entitlement to any payments to families, is the date of collection provided by the other state. |
| (ii) Responding | For responding jurisdictions (the California county initially makes the collection) the date of collection is contingent upon the payment source in the county initially making the collection [see Section 12-101.3d.(1)(A)]. |

CHILD SUPPORT ENFORCEMENT PROGRAM COMPONENTS AND STANDARDS

12-101 GENERAL (Continued)

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- (C) The date of collection for postdated checks and unidentified payments is as follows:

Payment Source	Collection Date
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- | | | |
|----|-----------------------|--|
| 1. | Postdated checks | For purposes of determining entitlement to any payments to families, the date of collection is the date the payment is posted by the local child support agency initially making the collection. |
| 2. | Unidentified payments | For purposes of determining entitlement to any payments to families, the date of collection is contingent upon the payment source by the local child support agency initially making the collection [see Section 12-101.3d(1)(A)]. |
- (2) "Date of receipt" -- means the date that the county receives the support payment.
- (3) "Department" -- means the California Department of Social Services.
- (4) "Diligent effort" -- For service of process, diligent effort means the local child support agency shall attempt all appropriate statutory mechanisms for serving process and shall repeat such attempts as soon as new information becomes available or yearly, whichever occurs first.
- (5) "Direct payment" -- means a payment which was sent directly to the custodial parent rather than to the local child support agency.
- (6) "Director" -- means the Director of the California Department of Social Services.
- (7) "Disposition" -- means the date on which a support order is officially established, recorded, or the action is dismissed. For purposes of expedited process time frames, a case disposition can occur when: The judge, commissioner, or referee announces the disposition in open court; or, the judge, commissioner, or referee signs the disposition after taking the case under consideration; or, the judge signs the disposition recommended by a commissioner or referee, or signs the disposition modified by the court, according to Code of Civil Procedure Sections 259 or 640.1.
- (8) "Disregard" -- means up to the first \$50 of a current support collection made on behalf of a current assistance case receiving CalWORKs aid.

CHILD SUPPORT ENFORCEMENT PROGRAM COMPONENTS AND STANDARDS

12-101 GENERAL (Continued)

12-101

- (e) (1) "Excess" -- means the amount of support that exceeds the Unreimbursed Assistance Pool.
- (2) AExpedited process@ -- means a quasi-judicial child support hearing process established under a Plan of Cooperation or established by operation of law that meets specified processing times.
- (3) AExpedited process time frames@ -- means the time frames specified in Section 12-109.3 in which actions to establish a support order or a medical support order and, if necessary, paternity must reach a disposition.
- (4) AExpedited processes@ -- means expedited judicial or quasi-judicial processes or both which increase effectiveness and meet specified processing times.
- (f) (Reserved)
- (g) (Reserved)
- (h) (Reserved)
- (i) "Interstate case" - means any case involving California and any other jurisdiction which has adopted the Uniform Reciprocal Enforcement of Support Act provisions.
- (j) (Reserved)
- (k) (Reserved)
- (l) (1) "Local Child Support Agency" -- means the district attorney until transition to the local child support agency, or the local child support agency after full transition from the district attorney, pursuant to Family Code Section 17305.
- (2) "Location" -- means information concerning the physical whereabouts of the absent parent or his/her employer, sources of income, or assets which is sufficient to initiate the next appropriate action in a case.
- (m) (1) "Marginal compliance" -- For the purpose of passing on federal sanctions, marginal compliance means a county achieves compliance with each program performance standard in at least 75 percent but not more than 80 percent of the cases reviewed.
- (n) (1) "Noncompliance" -- For the purposes of paying incentives and passing on federal sanctions, noncompliance means a county fails to achieve compliance with each program performance standard in 75 percent of the cases reviewed, and as otherwise specified in these regulations.

CHILD SUPPORT ENFORCEMENT PROGRAM COMPONENTS AND STANDARDS

12-101 GENERAL (Continued)

12-101

- (o) (Reserved)
- (p) (1) "Pass-on Payments" -- means the amount by which the current support collection exceeds the assistance paid during the collection month in a federal foster care case.
- (2) "Payments to Families" -- means [from the support payment collected] the amount of support that belongs to the family or on behalf of the foster care child (i.e., disregard, pass-on, excess, and/or non-assistance payments).
- (3) "Plan of Cooperation" -- means the contractual agreement between the Department and each county's local child support agency for administering the Child Support Enforcement Program.
- (q) (1) "Quick Locate" -- means a direct informal request for locate services from one state parent locator service to another state's parent locator service, rather than an official request for locate services from one state parent locator service to another state's Central Registry using interstate referral Form FSA 200, Child Support Enforcement Transmittal (Rev. 1/91).
- (r) (Reserved)
- (s) (1) "Self-review counties" -- means the 36 largest counties based on child support caseload which will perform their own compliance reviews as directed by the Department.
- (2) AService of process@ -- means the delivery or other communication of writs, summonses, etc., required by law for the particular proceeding.
- (3) "State IV-D Director" -- means the Chief of the Child Support Program Branch within the Department who manages the Child Support Enforcement Program.
- (4) "State-review counties" -- means the 22 smallest counties based on child support caseload whose compliance reviews will be conducted by the Department.
- (5) "Submit" -- For the purpose of determining the date of submission, items shall be considered submitted to the Department on the date they are postmarked.
- (6) "Substantial compliance" -- For the purposes of paying incentives and passing on federal sanctions, substantial compliance means the county achieves compliance with each program performance standard in more than 80 percent of the cases reviewed.
- (7) ASupport order@ -- means a judgment or order of support, including medical support, whether temporary, final, or subject to modification, termination, or remission, regardless of the kind of action or proceeding in which it is entered.

CHILD SUPPORT ENFORCEMENT PROGRAM COMPONENTS AND STANDARDS**12-101 GENERAL (Continued)****12-101**

- (t) (Reserved)
- (u) (Reserved)
- (v) (Reserved)
- (w) "Working relationship" -- For locating absent parents, working relationship means an agreement between the local child support agency and a locate source regarding how and what location information will be exchanged.
- (x) (Reserved)
- (y) (Reserved)
- (z) (Reserved)

.4 Forms Definitions

The following forms are incorporated by reference:

- (a) CS 356.2 (1/99), IV-D Child Support Expenditure Schedule and Certification, Page 2
- (b) CS 800 (11/98), Child/Family and Spousal Support Payments - Assistance Related Distribution/Disbursement Summary
- (c) CS 801 (11/98), Child/Family and Spousal Support - Assistance Distribution/Disbursement Detail
- (d) CS 802 (11/98), CS 800 Reconciliation and Worksheet
- (e) CS 803 (11/98), CS 800 Intercounty Collections - Assistance Related Disbursements
- (f) CS 820 (10/98), Child/Family/Spousal and Medical Support Collections and Non-Assistance Distributions and Disbursements Summary
- (g) CS 821 (10/98), Child/Family/Spousal and Medical Support Collections Detail

NOTE: Authority cited: Sections 17310 and 17312, Family Code. Reference: Section 11457, Welfare and Institutions Code; Sections 259 and 640.1, Code of Civil Procedures; Sections 155, 17310, and 17312, Family Code; 45 CFR 302.51(a); 45 CFR 303.7(a)(7)(iv); 45 CFR 303.101(a) and (b)(2)(i) and (iv); 45 CFR 302.51 and .52; 45 CFR 232.11; Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193), Sections 454B(c)(1) and (d) [42 U.S.C. 654B(c)(1) and (d)] and Sections 457(a) and (f) [42 U.S.C. 657(a) and (f)]; Office of Child Support Enforcement Action Transmittal 97-13, Section K - Question 70; and Office of Child Support Action Transmittal 97-17, Sections III and VIII, and Questions 9 and 21.

12-102 PROGRAM REQUIREMENTS**12-102**

- .1 The district attorney shall:
 - .11 Accept all cases which are referred from the county welfare department.
 - .12 Accept all cases for which an application for services is filed.
 - .13 Provide all appropriate services to all cases, as needed.
- .2 Nothing in this section shall preclude the district attorney from the following:
 - .21 Prioritizing the caseload.
 - .22 Closing cases.
 - .221 Case closure shall be done in accordance with Chapter 12-300.
- .3 The district attorney shall meet all time standards for case processing for all cases regardless of their priority.
- .4 The district attorney shall make diligent effort to serve process at any point during case processing at which service of process becomes necessary.
- .5 The district attorney shall provide sufficient staffing and resources to meet all time standards contained in these regulations.

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Sections 11479.5 and 15200.8 et seq., Welfare and Institutions Code; and 45 CFR 302.33 and 303.10.

12-103 TIME STANDARDS - CASE INTAKE AND RECORDS**12-103**

- .1 The district attorney shall:
 - .11 Make applications for support services readily accessible to the public.
 - .12 Provide applications:
 - .121 On the day they are requested in person.
 - .122 Within five working days of a telephone or written request for one.
 - .13 Provide the following information with the application:
 - .131 Available services.
 - .132 The applicant's rights and responsibilities.
 - .133 Fees and cost recovery procedures.
 - .134 Distribution policies.
 - .14 Accept applications as filed on the day they are received.
 - .15 Provide the information specified in Section 12-103.13 within five working days for cases referred from the county welfare department.

12-103	TIME STANDARDS - CASE INTAKE AND RECORDS (Continued)	12-103
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- .2 Within 20 calendar days of receipt of referral or application, the district attorney shall:
 - .21 Establish a case record which shall contain:
 - .211 All documents regarding the case.
 - .212 All relevant facts and dates.
 - .213 A record of all actions taken and contacts made including the name of the person taking action, the name of any person contacted, and the date of contact.
 - .214 Any results of the actions taken and contacts made.
 - .22 Solicit any necessary information from the custodial parent.
 - .23 Solicit any necessary information from any other relevant sources.
 - .24 Initiate verification of the information obtained.

NOTE: Authority cited: Sections 10553, 10554 and 11475, Welfare and Institutions Code. Reference: Section 11479.5, Welfare and Institutions Code; and 45 CFR 302.33(a) and 303.2.

12-104	TIME STANDARDS - LOCATION OF ABSENT PARENTS	12-104
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- .1 The district attorney shall:
 - .11 Establish a working relationship with appropriate locate sources.
 - .12 Use appropriate locate sources when the absent parent's location is unknown.
 - .121 Appropriate locate sources include, but are not limited to:
 - (a) Agencies which administer public assistance, general assistance, medical assistance, food stamps, and social services.

CHILD SUPPORT ENFORCEMENT PROGRAM COMPONENTS AND STANDARDS**12-104 TIME STANDARDS - LOCATION OF ABSENT PARENTS (Continued)****12-104**

- (b) Friends and relatives of the absent parent.
 - (c) Current and past employers of the absent parent.
 - (d) The local telephone company.
 - (e) The United States Postal Service.
 - (f) Financial institutions.
 - (g) Unions.
 - (h) Fraternal organizations.
 - (i) Police, parole, and probation offices.
 - (j) State agencies which maintain records of public assistance; wages, employment, and unemployment insurance; income taxes; driver's licenses and vehicle registration; and criminal records.
 - (k) Federal Parent Locator Service (FPLS).
 - (l) Interstate location networks.
- .2 Within 75 calendar days of determining that locate services are necessary, the district attorney shall:
- .21 Access all appropriate locate sources.
 - .211 The Federal Parent Locator Service (FPLS) need not be accessed if locate information sufficient to take the next appropriate action in a case is otherwise obtained within the 75-calendar-day time frame.
 - .22 Ensure that location information is sufficient to take the next appropriate action or service.
- .3 For cases in which location attempts have been unsuccessful, the district attorney shall:
- .31 Repeat location attempts immediately by accessing all appropriate locate sources within 75 calendar days of receiving new location information.

CHILD SUPPORT ENFORCEMENT PROGRAM COMPONENTS AND STANDARDS**12-104 TIME STANDARDS - LOCATION OF ABSENT PARENTS (Continued)****12-104**

.32 Repeat location attempts quarterly.

.321 Quarterly locate attempts may be limited to automated locate sources for cases that have adequate identifying information which makes them appropriate for referral to such sources, but shall include accessing the following:

- (a) State Employment Development Department (EDD) records; and
- (b) When conversion to the Statewide Automated Child Support System (SACSS) is completed in a county, any appropriate automated state or local locate source that is constantly updated and which the SACSS has legal authority to access; or, a central state agency such as the California Parent Locator Service (CPLS) which has legal authorization to access appropriate automated locate sources on behalf of the district attorney.

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- (c) For example, for purposes of MPP Section 12-104.321, if either an individual's date of birth or SSN is necessary to access a particular automated system, and neither is known in a particular case, then that system would not be appropriate to access for that case.

HANDBOOK ENDS HERE

- (d) The district attorney may determine whether a source of locate information can provide the information needed to move the case to the next appropriate function.

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- (e) For example, if only location of an absent parent's earnings or assets is needed, then an appropriate source to access is one which could provide that information; however, an inappropriate source would be one which does not provide information which could help identify earnings or assets.

HANDBOOK ENDS HERE

CHILD SUPPORT ENFORCEMENT PROGRAM COMPONENTS AND STANDARDS**12-104 TIME STANDARDS - LOCATION OF ABSENT PARENTS (Continued) 12-104**

- .322 If an automated locate source is updated only annually or semi-annually, then the district attorney may refer cases to that source annually or semi-annually, rather than quarterly.
- .4 Within 20 calendar days of determining that the absent parent is located in another state and, if appropriate, receipt of information necessary to process the case, the district attorney shall refer any interstate Title IV-D case to the central registry of the state in which the absent parent is located (Form FSA 200, Child Support Enforcement Transmittal, Rev. 1/91).
- .41 A case shall not be considered an interstate case until the district attorney determines that both of the following apply:
- .411 Child support action is necessary; and,
- .412 The district attorney lacks jurisdiction to take necessary action.
- .42 The 20-calendar day time frame at MPP Section 12-104.4 does not apply to cases processed locally using long-arm jurisdiction (see Section 12-226.1).
- .43 The district attorney may use the "quick locate" method for locating or confirming the location of an absent parent in another state.
- .431 If the "quick locate" method is used for a case, then the case shall be subject to the time standard requirements at Section 12-104.2, rather than the standard for interstate referral at Section 12-104.4.
- .432 Use of the "quick locate" method is appropriate in, but not limited to, the following situations:
- (a) The district attorney determines that an absent parent is in one of several states; or,
- (b) The district attorney intends to use the state's long arm jurisdiction to establish paternity or a support order or enforce an order and wants to use the "quick locate" method to confirm the absent parent's location.

CHILD SUPPORT ENFORCEMENT PROGRAM COMPONENTS AND STANDARDS**12-104 TIME STANDARDS - LOCATION OF ABSENT PARENTS (Continued) 12-104**

- .433 Use of the interstate referral is appropriate in, but not limited to, the following situations:
- (a) In an interstate case, the absent parent is located in another state; or,
 - (b) The district attorney determines with relative surety that the absent parent is in a specific state.
- .434 Once an alleged or absent parent has been located in another state, the district attorney shall clearly document in the case record whether the case will be processed locally using long-arm jurisdiction, or whether an interstate referral will be made.
- .435 If the district attorney first attempts long-arm action but is unable to obtain jurisdiction, then MPP Section 12-226.11 shall apply.
- .436 In a case where the district attorney first attempts to use long-arm jurisdiction, but later determines that referral of the case to another state is necessary, then Section 12-104.4 shall apply.
- .437 Where long-arm jurisdiction is first attempted, the date that referral to another state is necessary occurs in, but is not limited to, the following situations:
- (a) When foreign process is returned unserved; or,
 - (b) When the district attorney is notified that jurisdiction was challenged and the court dismissed the long-arm action.
- .5 Whenever the district attorney initiates or responds to an interstate case, the district attorney shall follow the Program Performance Standards at Section 12-226.2.

NOTE: Authority cited: Sections 10553, 10554 and 11475, Welfare and Institutions Code. Reference: Section 11479.5, Welfare and Institutions Code and 45 CFR 302.35, 303.3 and 303.7; and Federal Register, Vol. 54, No. 149, pages 32286 and 32299, Vol. 57, No. 122, pages 28104 and 28106 and Vol. No. 133, pages 30660 and 30681.

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12-105	TIME STANDARDS - ESTABLISHMENT OF PATERNITY	12-105
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Repealed by Manual Letter No. CS-96-01, effective 7/18/96.

12-106 TIME STANDARDS - ESTABLISHMENT OF SUPPORT ORDERS 12-106

- .1 Within 90 calendar days of locating the alleged father or noncustodial parent, the district attorney shall do at least one of the following:
 - .11 Establish a support order and, if necessary, paternity; or,
 - .12 Complete service of process necessary to establish a support order and, if necessary, paternity; or,
 - .13 Document unsuccessful attempts to serve process.
- .2 If service of process is completed, then the action to establish a support order and, if necessary, paternity must be disposed of within expedited process time frames under Section 12-109.3.
- .3 If the court dismisses a petition for a support order without prejudice, the district attorney shall:
 - .31 Examine the reasons for dismissal.
 - .32 Determine the appropriate time to seek a support order in the future.
 - .33 Petition the court for an order at the appropriate time.

NOTE: Authority cited: Sections 10553, 10554, 11475, 11475.1, and 11479.5, Welfare and Institutions Code. Reference: Section 11479.5, Welfare and Institutions Code and 45 CFR 303.4, 4(d), and 303.101.

12-107 TIME STANDARDS - ENFORCEMENT OF SUPPORT ORDERS 12-107

- .1 The district attorney shall establish and utilize a system for monitoring compliance with support order.
 - .11 This system shall identify cases in which there is failure to comply with the support order on the date the absent parent fails to make payment(s) equal to one month's support obligation.
- .2 Upon identifying a delinquency, identifying any other support related noncompliance with the order, or locating the absent parent when that person's location was unknown, the district attorney shall:
 - .21 Initiate wage withholding immediately.
 - .22 Initiate any other appropriate enforcement techniques within 30 days if service of process is not necessary.

12-107 TIME STANDARDS - ENFORCEMENT OF SUPPORT ORDERS 12-107
(Continued)

- .23 Do one of the following within 60 calendar days if service of process is necessary to initiate any other enforcement techniques:
 - .231 Complete service of process necessary to enforce the support order and initiate the appropriate enforcement technique.
 - .232 Document unsuccessful attempts to serve process.
- .3 The district attorney shall serve a wage assignment on the absent parent's employer within 15 calendar days of:
 - .31 When the support order was entered, unless the wage assignment has been stayed or an alternative arrangement exists; or
 - .32 When the absent parent changes employment, and the new employer's address is known; or
 - .33 When the employer's address is located, in those cases in which the employer's address had been unknown.
- .4 The district attorney shall submit once a year to the Department all cases eligible for federal or state tax refund offset pursuant to Chapter 11-700.
- .5 For cases in which enforcement efforts are unsuccessful, the district attorney shall:
 - .51 Examine the reasons for failure of the enforcement effort.
 - .52 Determine when it would be appropriate to seek enforcement in the future.
 - .53 Initiate future enforcement activities when appropriate.

NOTE: Authority cited: Sections 10553, 10554 and 11475, Welfare and Institutions Code. Reference: Section 11479.5, Welfare and Institutions Code; and 45 CFR 303.6, 303.72, 303.100, (b), (f)(2), and 303.102.

12-108 TIME STANDARDS - DISBURSEMENT OF COLLECTIONS 12-108

- .1 The local child support agency shall notify the county welfare department of the amount of any collection which represents payment on a current support order on behalf of cases receiving CalWORKs or Foster Care within 10 working days of the end of the month in which support is received by the local child support agency for final distribution of the collection.

CHILD SUPPORT ENFORCEMENT PROGRAM COMPONENTS AND STANDARDS**12-108 TIME STANDARDS - DISBURSEMENT OF COLLECTIONS (Continued) 12-108**

- .2 For interstate cases, the local child support agency shall disburse collections on behalf of other states to the initiating state within two business days from the date of receipt by the county.
- .3 The local child support agency shall disburse collections received from a child support enforcement agency in another state within the time standards set forth in this section.
- .4 For intercounty cases, the local child support agency shall forward collections made on behalf of another California county to the initiating county as soon as possible so that payments can be made to the family within the time standards set forth in this section.
- .5 When the local child support agency issues the \$50 disregard payments for the county welfare department, the local child support agency shall:
 - .51 Disburse the first of \$50 of current support payments collected on behalf of families receiving CalWORKs within two business days from the date that the payment was received by the county.
 - .511 If the amount collected is less than \$50, the CalWORKs family shall be paid the entire amount within two business days from the date that the payment was received by the county.
- .6 When the local child support agency distributes collections made on behalf of cases receiving CalWORKs, any excess payments due to the family shall be paid within 15 calendar days from the end of the collection month as defined in Section 12-101.3(c)(4), except as provided in Section 12-108.9.
- .7 Pass-on and excess payments in federal foster care cases, and excess payments in nonfederal foster care cases shall be forwarded to the county welfare department, (i.e., the designated agency responsible for placement and care of the child) within 15 calendar days from the end of the collection month as defined in Section 12-101.3(c)(4).
- .8 When the local child support agency disburses collections made on behalf of cases not currently receiving CalWORKs or foster care, any payments due to the former assistance and never assistance family shall be paid within two business days from the date of receipt by the county.
- .9 Any payments due to the family from Internal Revenue Service (IRS) and Franchise Tax Board (FTB) tax intercept collections shall be paid within 30 calendar days from the date of collection for meeting the time standards as defined in Section 12-101.3d(1).

NOTE: Authority cited: Sections 17310 and 17312, Family Code. Reference: Section 17310, Family Code; 45 CFR 302.32, 302.52, 303.7(a)(4), 303.72(h)(5) and 303.102; Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193), Section 454B(c)(1) [42 U.S.C. 654B(c)(1)] and Sections 457(a) and (f) [42 U.S.C. 657(a) and (f)]; and Office of Child Support Enforcement Action Transmittal 97-13, Section K - Question 70, Office of Child Support Enforcement Action Transmittal 97-17, Section III, and Question 21, and Office of Child Support Enforcement Action Transmittal 99-01.

CHILD SUPPORT ENFORCEMENT PROGRAM COMPONENTS AND STANDARDS

12-109 EXPEDITED PROCESS**12-109**

- .1 All actions filed by the district attorney to establish a child support order and, if necessary, paternity, shall reach a disposition within the expedited process time frames prescribed under Section 12-109.3.
 - .11 All actions filed by the district attorney to establish only a medical support order when it is inappropriate to also establish a support order shall reach a disposition within expedited process time frames.
 - .2 Time frames for disposition of actions shall apply whether the hearing process is presided over by a judge, commissioner, or referee.
 - .3 Time frames for disposition of all monthly actions to establish a child support order and, if necessary, paternity are as follows:
 - .31 Seventy-five percent of the actions must reach disposition within six months of service of process;
 - .32 Ninety percent of the actions must reach disposition within 12 months of service of process.
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- .321 For example: if there are 100 cases with actions to establish a support order in the monthly expedited process caseload, then 75 of those actions (75 percent) must reach a disposition within six months; and, 15 more of those actions comprising 90 actions (90 percent) must reach a disposition within 12 months of service of process. These time frames apply whether or not an action to establish paternity is also in the complaint.
 - .322 Time frames are measured in months. For example: if service of process was completed on March 31, the expedited process time clock starts on April 1; hence, the action must reach a disposition by midnight October 1st to meet the six-month time frame; or by midnight April 1st of the following year to meet the 12-month time frame.
 - .33 In accordance with Code of Civil Procedure (CCP) Section 12 et seq., an expedited process time frame is extended to and includes the next day which is not a holiday when the last day of a time frame is a holiday.
 - .34 Service of process is considered completed according to all applicable state laws.
 - .341 According to CCP Section 12, the actual day of service is not counted under California law.
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- .342 See CCP Sections 1013 et seq., when substituted service is the method by which the Summons and Complaints were served. For example, an additional 10 days from the date the Summons and Complaints are mailed after they are left at the home of the defendant must be added to determine the legal date of service. This means that if the process server leaves the documents at the home of the defendant on the first day of the month, and mails a copy on the second day of the month (and complies with all other provisions of California law) service is legally completed on the twelfth day of the month.
- .343 See CCP Section 1013, when serving a Notice of Motion by mail to an address in California. For example, if the agency mails a Notice of Motion on the first day of the month then the legal day that service was completed is really the sixth day of the month. Ten days must be added to determine the legal date of service if the address is outside of California; twenty days if the address is outside the U.S.

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- .4 Time frames for disposition of an action subject to expedited process requirements begin when service of process is completed, regardless of the age of the child(ren) in question, and end on the day that the judge, commissioner, or referee, renders a disposition for the action.
- .41 If the court dismisses a petition for a support order without prejudice, then the requirements under Section 12-106.3 shall apply.
- .42 If the court orders support and the order is made retroactive to an earlier date, the date on which support was ordered is the disposition date for expedited process purposes and not the date to which the order is made retroactive.
- .43 If the district attorney uses long-arm jurisdiction in a case, and a disposition occurs within 12 months of service of process upon the alleged father or noncustodial parent, the action may be considered disposed of within the 6-month time frame instead of the 12-month time frame regardless of when disposition occurred in the 12 months following service of process.
- .44 If the court determines, based on the child support guidelines or based upon specific circumstances, that the obligor has no present ability to pay support or - that establishing a support order would be inappropriate, then a finding on record of the determination counts as a disposition for expedited process time frames.

12-109 EXPEDITED PROCESS (Continued)

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- .441 For example: It may be inappropriate to establish a support order in cases wherein the noncustodial parent is a minor, incapacitated, or incarcerated; or, the case requires only the establishment of paternity.

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- .45 If the court establishes a support order but reserves the amount of child support, then the reserved order counts as a disposition for expedited process time frames.
- .46 If a temporary support order is established according to the guidelines for setting child support awards, or established on a finding on the record that application of the guidelines would be inappropriate, then the temporary order counts as a disposition for expedited process time frames.
- .47 If, in a responding interstate case, the court takes the case off-calendar or discharged the action to preserve the underlying Interstate Petition, then such action by the court is the equivalent of a dismissal and counts as a disposition for expedited processes.
- .48 If an action to establish a support order is amended, the date that service of the amended action is completed is both the disposition date for the initial action and the start date of the expedited process time frames for the amended action.

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- .481 Amending the initial action is the same as dismissing the first pleading. The first action is substituted in all respects by the second pleading, including the defendant's right to answer the initial action.

For example: service of process is completed for purposes of establishing a support order on behalf of two children. Subsequently, the district attorney determines that the pleading needs correcting or that a third child needs to be included in the pleading. The initial action is amended to include the third child and service of that second action is completed. By law upon completing service of the amended action, the initial action is deemed dismissed and is superceded by the amended action.

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- .5 Any legal instrument containing an action initiated by the district attorney to establish a support order and, if necessary, paternity that requires service of process and requires the court to make a disposition is subject to expedited process time frames, e.g., Notice of Motion, Order to Show Cause, or Summons and Complaint, etc.

CHILD SUPPORT ENFORCEMENT PROGRAM COMPONENTS AND STANDARDS

12-109 EXPEDITED PROCESS (Continued)

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- .51 Specific types of establishment actions subject to expedited process time frames upon service of process include, but are not limited to:
- .511 Welfare and Institutions Code Sections 11350(a)(1) and (a)(2) actions;
 - .512 Welfare and Institutions Code Section 11350.1 actions;
 - .513 Family Code Section 4002 non-welfare actions;
 - .514 Responding Interstate Petitions, but not Initiated Interstate Petitions;
 - .515 CCP Section 464, Supplemental Pleadings.

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- .52 The following actions are not subject to expedited process time frames:
- .521 An action to review and modify a child support order, including an action to insert a medical support provision in an existing order, is subject to review and modification time frames within Division 12.
 - .522 An action to enforce a child support order is subject to enforcement requirements under Section 12-107.
- .53 All cases with actions subject to expedited process time frames shall, at a minimum, be identified by the following information:
- .531 Title IV-D case name/number;
 - .532 Date that service of process was completed;
 - .533 Date of disposition.
- .6 Repealed by Manual Letter No. CS 98-02, effective 7-1-98.
- .7 Repealed by Manual Letter No. CS 98-02, effective 7-1-98.

NOTE: Authority cited: Sections 10554, 11475, 11475.1, and 11479.5, Welfare and Institutions Code. Reference: Sections 11475, 11475.1, and 11479.5, Welfare and Institutions Code; Sections 4251 and 4252, Family Code; Sections 12, 259, 639.5, 640.1, and 1013, Code of Civil Procedures; 45 CFR 302.10, 302.12, and 302.34; and 45 CFR 303.3(a)(ii) and .101.

12-110 CHILD SUPPORT COOPERATION**12-110**

The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Section 333), through the passage of Assembly Bill 1542, transfers the responsibility of determining cooperation of an applicant/recipient of child support services from the IV-A (TANF/CalWORKs) agency to the IV-D (Child Support) agency. In California, the child support program is administered by the local district attorney.

- .1 The district attorney shall have staff available in person or by telephone at the county welfare office during the initial eligibility interview, to obtain information necessary to establish, modify, or enforce child support for the purpose of determining applicant/recipient cooperation.
- .2 If the applicant or recipient attests under penalty of perjury that he or she cannot provide the necessary information, the district attorney shall make findings as to the reasonableness of the applicant's/recipient's attestation, or his/her inability to provide requested information. The district attorney shall, prior to the determination of cooperation, consider all of the following when making findings:
 - .21 Age of the child;
 - .22 The circumstances of conception;
 - .23 The age and mental capacity of the parent/caretaker, and
 - .24 The last time the parent/caretaker had contact with the obligor.
- .3 Cooperation includes the following:
 - .31 Providing the name of the alleged parent or obligor and other information about that person if known to the applicant or recipient, such as address, social security number, telephone number, place of employment or school, and the names and addresses of relatives or associates;
 - .32 Appearing at interviews, hearings, and legal proceedings provided the applicant or recipient is provided with reasonable advance notice of the interview, hearing, or legal proceeding, and does not have good cause not to appear (see MPP Division 82, Sections 82-510.13 and 82-510.15);
 - .33 If paternity is at issue, submitting to genetic tests, including genetic testing of the child, if necessary, and
 - .34 Providing any additional information known to, or reasonably obtainable by the applicant or recipient, necessary to establish paternity or to establish, modify, or enforce a child support order.
- .4 The district attorney shall not require an applicant or recipient to sign a voluntary declaration of paternity as a condition of cooperation.

CHILD SUPPORT ENFORCEMENT PROGRAM COMPONENTS AND STANDARDS

12-110 CHILD SUPPORT COOPERATION (Continued)**12-110**

- .5 Upon determination of failure to cooperate with the district attorney in the enforcement and/or establishment of a support obligation, notice shall be given to the county welfare office so that they may take the next appropriate action. (See MPP Division 82, Sections 82-512 through 82-514.)

NOTE: Authority cited: Section 11475, Welfare and Institutions Code. Reference: Sections 11477(a) and (b), Welfare and Institutions Code and 42 U.S.C. Section 608(a)(2).