

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



February 1, 1982

FSD LETTER NO. 82-1 (INFORMATION)

ALL-COUNTY INFORMATION NOTICE NO. 1-14-82

TO: ALL DISTRICT ATTORNEYS
ALL TITLE IV-D AGENCIES
ALL COUNTY WELFARE DEPARTMENTS

SUBJECT: TREATMENT OF SOCIAL SECURITY AND RAILROAD RETIREMENT BENEFITS
AS CHILD SUPPORT

REFERENCE: FSD LETTER NO. 79-38 (INFORMATION)

Chapter 69 of the Statutes of 1979 which became effective January 1, 1980, added Section 4705 to the Civil Code requiring Social Security benefits or Railroad Retirement benefits of a noncustodial parent, which are transmitted to the custodial parent on behalf of the child(ren), be credited toward the amount owed for child support.

It has come to our attention that in many cases, the district attorney is unaware of the receipt of these benefits, and continues to enforce collection of the entire court ordered amount. Technically this means that the absent parent unknowingly may be paying more than is legally required. Social Security or Railroad Retirement benefits should continue to be treated as unearned income to the family, however, when the county welfare department (CWD) becomes aware of the receipt of these benefits, the District Attorney Family Support Division must be notified.

Notification of the receipt of these benefits should be made to the District Attorney Family Support Division via the CA 371 or equivalent by the county welfare department. Information should include the type of benefits being received and the monthly amount.

If you have any questions, please contact your AFDC analyst at 916/445-4458 or Child Support Operations Bureau analyst at 916/322-6384.

Sincerely,

A handwritten signature in black ink that reads "Kyle S. McKinsey". The signature is written in a cursive style with a long, sweeping underline.

KYLE S. MCKINSEY
Deputy Director
Welfare Program Operations