Child Support Handbook

California Department of
Child Support Services
March 2014

Contact a local child support agency

Customer Connect is California's child support self-service information system designed with YOU in mind.

It's easy, fast and ready when you are.

Go on-line and access specific account information 24 hours a day, seven days a week on our secure website at

www.childsupport.ca.gov/customer-connect

The Customer Connect toll-free, self-service phone system lets individuals contact their local child support agency or access personal account information 24 hours a day.

Call 1-866-901-3212 toll-free (within the U.S.)
Call 1-408-273-0073 (outside the U.S.)
Call TTY 1-866-399-4096 toll-free

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Equal treatment

The State of California is committed to treating all persons equally. No one will be excluded from services or denied access to the child support program, or otherwise subjected to treatment that is different than that provided to others because of age, color, disability, ethnic group identification, national origin, race, religion, gender or sexual orientation.

The Department of Child Support Services is responsible for ensuring that all persons are provided equal access to services and information. All programs shall deliver services in ways that recognize individual differences and are sensitive to cultural differences. Effective communication with customers who don't speak English will be achieved through bilingual staff, translated written materials, and contracted interpreter and translation services. (California Government Code sections 7290 and thereafter)

Edmund G. Brown Jr., Governor, State of California

Diana S. Dooley, Secretary, California Health and Human Services Agency

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Introduction

This handbook provides general information about California's Child Support Services Program. It is intended to help parents, guardians and families understand how to access child support services. The information in this handbook should not be used in place of professional legal advice.

Telephone contact information for your local child support agency (LCSA) is listed on page 2 of this handbook. Program and contact information is also available on the California Department of Child Support Services website, *www.childsupport.ca.gov*.

California's Child Support Program

The mission of the California Child Support Services Program is to Enhance the well-being of children and the self-sufficiency of families by providing professional services to locate parents, establish paternity and establish and enforce orders for financial and medical support.

What is child support?

Both parents have a legal duty to provide financial support for their children. The court may order either or both parents to make regular payments to cover a child's living and medical expenses. This payment is called child support.

Who we serve

California's Child Support Services Program works with parents—custodial and noncustodial—and legally acknowledged guardians to ensure children and families receive court-ordered financial and medical support. Child support services are available to the general public through a network of 51 county and regional child support agencies.

Services offered by the Child Support Program:

- Establishing paternity (fatherhood)
- Locating absent parents
- Requesting child support orders from the court
- Requesting medical support orders from the court
- Enforcing child support orders
- Modifying child support orders
- Enforcing spousal support orders in conjunction with child support

Services NOT offered by the Child Support Program:

- Divorce
- Custody
- Visitation
- Restraining orders
- Establishing spousal support orders

Your role in the child support process

As parents and guardians work with the child support office to establish a financial partnership in support of their children, parents should remember that not all solutions to child support problems are within their control. The legal rights of all parties must be guarded, and sometimes laws that protect the rights of one parent may seem unfair to the other. Parents and guardians are encouraged to educate themselves about California's Child Support Services Program so they will better understand their rights and responsibilities under the law and be more successful in providing support to their families.

Annual fee

Federal law (Federal Deficit Reduction Act of 2005) requires states to charge families that have never received Temporary Assistance for Needy Families (TANF) a $25 annual application fee if at least $500 is collected annually on their behalf. Beginning on October 1, 2011, the annual $25 fee will be assessed for each case in which the family has never received welfare benefits and the custodial party has received $500 or more in support payments during the prior federal fiscal year, (October 1 - September 30). The fee will be collected from the custodial party's next payment(s), until the $25 is paid in full. The fee will be assessed annually in October on cases meeting these criteria.

Child support terms and abbreviations

Account: A record of financial transactions in a case, which includes a record of charges against a child support obligor for such things as current support, welfare arrears, spousal support, blood test fees, court costs, attorney's fees and interest. It also includes a record of payments by the obligor and adjustments to the financial record.

Account Audit: An examination of the account or accounts of a child support obligor to determine necessary adjustments and/or the balance owing.

Arrearage: Child support that has not been paid is called arrears. An arrearage is any past due child support including interest.

Billing Statement: The child support notice sent to the child support obligor on a monthly basis outlining the amount of support owed. Reflects each account and balance with payment due date.

CalWORKs: Public assistance program where benefits are paid on behalf of low-income, needy, dependent children, provided under Title IV-A of the Social Security Act.

Compromise of Arrears Program: A standard method to accept a partial payment on child support debt owed to the government in exchange for compromising some of the governmental debt.

Child Support: Amounts required to be paid under a judgment, decree, or order, whether temporary, final, or subject to modification, for the support and maintenance of a child or children, which provides for any or all of the following: monetary support, health insurance coverage, arrearages, and may include interest on delinquent child support obligations.

Child Support Guidelines: A standard method for setting the amount of the child support obligation based on the income of both parents and other factors as determined by state law (California Family Code sections 4050 and thereafter).

Custodial Party/CP: The parent or guardian who has sole, joint, or temporary custody of a dependent child. A custodial party or guardian is generally the party who receives child support payments.

California State Department of Child Support Services/DCSS: The state department responsible for the oversight of the state Child Support Program. Child Support Program services are delivered through 51 county and regional child support agencies in California.

Disregard: When a child support payment is collected, a party receiving welfare benefits, such as CalWORKs and KinGAP, gets the first $50 of the child support payment—called a *disregard*—and the rest of the payment is used to pay back the county for the cost of these benefits.

Family Law Facilitator (FLF): An adjunct to the court who is an attorney that provides no cost educational services concerning the process of establishing or modifying support orders, completing forms, preparing income and expense forms, declarations of paternity, and support schedules based on statutory guidelines.

Income Withholding: When an employer deducts a child support payment directly from an employee's paycheck to satisfy the employee's court-ordered child support obligation.

IV-D Services: When a party is receiving child support services offered through a local child support agency. Refers to Title IV-D of the Federal Social Security Act at Title 42, United States Code sections 651 and thereafter.

KinGAP: Kinship Guardianship Assistance Payment (KinGAP) program provides assistance payments to relatives who are guardians of a minor.

Local Child Support Agency/LCSA: The county or regional department of child support services responsible for providing services directly to the public.

Local Child Support Agency/LCSA Ombudsperson: The person, persons, or office so designated within each local child support agency to provide a means to resolve customer issues related to child support services. Issues may include inquiries, questions, or requests for assistance or facilitation in navigating the local complaint resolution and state hearing processes.

Medical Support Order: An order requiring the parent to provide medical or dental insurance or to pay for medical expenses not covered by insurance. See your Family Law Facilitator, LCSA or attorney for details.

Monthly Statement of Collections and Distribution: The child support notice sent to the custodial party each month that provides information regarding payments and distributions to the CP.

Noncustodial Party/NCP: The parent who does not have sole or joint physical custody of a dependent child. Although custodial status has no bearing on who pays support, an NCP is often the party who pays child support.

Non-IV-D: Individuals who do not have an open case with an LCSA, but have their private employer income withholding payments received and sent by the State Disbursement Unit (SDU).

Obligee: The person who receives the child support.

Obligor: The person who pays the child support.

Paternity Establishment: The legal process by which the father of a child is determined.

Modification: A requested change in the amount of an existing support order. Modification requests can be made by LCSAs or the parties to increase or decrease the amount of the order.

State Disbursement Unit/SDU: The state entity responsible for receiving and sending all child support payments for parties with cases through LCSAs. The SDU is also responsible for receiving and sending all employer child support income withholding payments, including those from private support orders.

Important resources

Child support law

California child support services are governed by various sections of the California Family Code including sections 4000 and thereafter and 17000 and thereafter. State regulations under which the child support program operates can be found in Title 22, California Code of Regulations sections 110000 and thereafter, available on the Internet at *www.calregs.com*.

LCSA Ombudsperson

Every LCSA has an Ombudsperson available to explain your rights and responsibilities and talk to you about child support concerns. See page 31.

Family Law Facilitator

Every family court has a Family Law Facilitator to provide child support information and help parents obtain and complete court forms. Services are free and separate from DCSS. Contact information is available on the Internet at *www.courts.ca.gov/selfhelp-support.htm*.

Advocacy groups

Child support advocacy groups are available in nearly every community. Ask the Ombudsperson at your LCSA for a list of advocacy groups for parties receiving child support and parents paying child support.

The court's role in child support

In most cases, the Court Commissioner or Family Law Judge has the final authority for deciding the amount of child support to be paid and who will be responsible for making those payments. The LCSA may ask the court to issue a new support order or modify an existing order to either decrease or increase child support.

The support order may be part of an interim, temporary, permanent, or modified court order in a divorce, paternity action, child custody action, or separate child support action. The court sets the amount of child support based on both party's income and the percentage of time the child is in each parties' care. The court may also order additional child support such as medical support, daycare expense, and other add-ons. The court may reduce child support based on certain hardship circumstances (see Family Code section 4050 and thereafter).

If you already have a child support order, the LCSA will enforce that order. If you don't have a support order, but have an existing family law court file, the LCSA can act on your behalf and request a support order. If no prior court action exists, the LCSA will begin the process with the Summons and Complaint.

The Summons and Complaint

The court process begins when the LCSA files a Summons and Complaint with the court to get a child and/or medical support order. The Summons and Complaint and a blank Answer form are delivered to the parent being asked to pay child support. Before serving the papers, the LCSA may send a courtesy letter telling the person asked to pay support that they can pick up the Complaint at the child support office rather than being served at their home or workplace. The person asked to pay support must respond within **30 days** from the date they are served. There are several ways to respond:

File an Answer. If the person asked to pay support disagrees with any part of the proposed judgment, that person must file an Answer to Complaint form. A blank form is included with the Complaint. Every family court has a Family Law Facilitator to provide child support information and help parents obtain and complete court forms. Services are free and separate from DCSS. Contact information is available on the Internet at www.courts.ca.gov/selfhelp-support.htm.

If the person served does not respond in writing within **30 days** of receiving the Summons and Complaint, then the court will set the child support amount based on

An overview of the court process—step-by-step

1. The LCSA files a Summons and Complaint.
2. The LCSA serves the Noncustodial Party.
3. The NCP responds within **30 days** to the Summons and Complaint.
4. The CP and NCP each submit Income and Expense Declaration.
5. The CP and NCP agree on support, or appear in court.
6. The court sets the child support amount.
7. The LCSA issues an Income Withholding Order to the other parent's employer.

the information it has available. If the court has no information about the income of the parent asked to pay support, under California law (California Family Code Sections 5002 and 17400), the court must set the amount of support using presumed income. The presumed income amount is based on no more than the minimum wage at 40 hours per week.

Sign a Stipulation. If the person asked to pay support agrees with the proposed judgment, the LCSA can prepare an agreement (stipulation) using the same child support guidelines the court uses. The court usually approves this agreement without requiring the parents to appear in court.

Hire an attorney. A Summons and Complaint is a legal document. The person served is being sued. A private attorney may be needed to represent the party being sued. The Family Law Facilitator is also available for free help in reviewing and completing the Answer to Complaint form. The Family Law Facilitator does not represent anyone, but provides information about child support.

How the court decides the amount of support

Child support guidelines

In California, child support is determined using the guidelines established in state law (California Family Code sections 4050 and thereafter). Child support guidelines are based on various factors, including monthly net income of both parents and the amount of time the child spends with each parent.

The court reviews child support agreements to make sure the guidelines are applied correctly and the child support amount is appropriate. In some specific cases, the court may decide not to use the income guidelines to determine the amount of child support.

Important: Custody of a child and visitation are vital components for determining child support. For more information, see the California Guideline Child Support Payment Calculator User Guide available on the Internet at *www.childsupport.ca.gov/calculate-child-support/*.

Income and Expense Declaration

Child support is determined using guidelines established by California law and is based on many factors, including each parent's ability to financially provide for the children. The law requires each parent to complete an Income and Expense Declaration and provide proof of the amount of income.

In deciding the amount of child support, the court will consider income from all sources, whether or not it is reported or taxed under federal law. The income can be in the form of money, property or services. Please note: Welfare payments and Supplemental Security Income (SSI) are not included as income.

Questions and answers—the court process

I am a parent. What should I do when I get the Summons and Complaint?

You must file a legal response with the court. You will receive the Summons and Complaint along with an Answer form and Income and Expense Declaration. You will also receive directions on how to fill in these forms. You must fill out the forms and file them with the Superior Court within **30 days** of the date you receive the documents. Work with the Family Law Facilitator in your county to fill out the necessary forms.

What if a parent ignores or forgets about the Summons and Complaint?

If the parent does not respond, the estimated child support payment stated in the Summons and Complaint will be the amount of child support ordered by the court. When the court enters the order, the parent will need to ask the court for permission to challenge it.

If I respond to the court, will I have a chance to talk to the judge?

Yes. If you respond to the Summons and Complaint and contest paternity or the amount of child support requested, you will be given a court date.

How will the court decide how much child support I have to pay as a parent?

The amount of child support is based on various factors including the income of both parents and the amount of time each parent cares for the child. The court uses child support guidelines found at *www.childsupport.ca.gov/calculate-child-support/*. Click on the *California Guideline Child Support Payment Calculator User Guide*.

How will an employer know how much money to take out of an employee's paycheck to pay child support?

After the court decides the amount of child support, a document called an Income Withholding Order is mailed to your employer with instructions on how much to deduct and where to send the payment.

Generally, up to half of the paying parent's net wages can be taken for child support. In special circumstances it can be up to 65 percent. If the support order is more than half of your net income, you may be eligible for a change in the child support order. Ask the LCSA to review the case for a modification of the child support order.

Is there any way to avoid having to go to court?

Yes. You can avoid going to court by signing a legal agreement (stipulation). The parent paying support and the LCSA can agree (stipulate) on the amount of child support if the party receiving support is receiving welfare benefits. If neither parent is receiving welfare benefits, then both parents may sign a legal agreement (stipulation) about the amount of child support.

What else is in a stipulation?

Stipulations vary with circumstances, but the usual stipulation contains the agreement that the NCP is:

- the parent of the child.
- willing to pay child support.
- willing to provide health insurance for the child if available through the parent's employer.
- willing to allow the court to enter an order without appearing in court.

The parent paying support has group health insurance available at work. Must the children be covered by that insurance?

Yes. Health insurance must be included in any child support order. Even if it is not available immediately, the court order will order both parents to provide insurance when it does become available. This applies to all cases.

Paternity—What you need to know

Paternity means fatherhood. When a married couple has a child conceived during the marriage, paternity does not need to be established—the law automatically presumes the husband is the child's legal father.

When an unmarried woman has a child, paternity needs to be established to provide the child with the same legal rights as a child born to married parents. Also, the court cannot order child support or determine custody or visitation until paternity has been legally established.

Good reasons to establish paternity

Paternity provides a child of unmarried parents the same legal rights as a child born to married parents. Those rights include:

- support from both parents.
- medical and life insurance from either parent, if available.
- Social Security and veteran's benefits, if available.
- inheritance rights.
- access to family medical history.

Paternity Opportunity Program (POP)

DCSS's Paternity Opportunity Program (POP) is a fast, free, and easy way to establish paternity. Through POP, unmarried parents may establish paternity by completing and signing a Declaration of Paternity at the hospital when the baby is born. Once both parents complete and sign the form, the hospital files the form with DCSS, and paternity is established. For more information call POP at 1-866-249–0773.

Parents may choose to sign a Declaration of Paternity at a later date. Check with your LCSA for more information.

Establishing paternity by legal agreement

Both parents may agree (stipulate) to a child's paternity and arrange for child support payments. The stipulation may also include child custody and visitation rights. The LCSA can explain how to do this without going to court, but the agreement must be approved by the court.

Genetic tests

Either person can request a genetic test if biological proof of paternity is wanted before a man is named the legal father. In that case, the LCSA or either parent can request a genetic test. LCSAs offer genetic testing, usually at their offices or a nearby clinic. The test will exclude a man who is not the biological father of the child, or it can show with greater than 99 percent accuracy that a man is the father.

If there is a dispute about paternity and the parties do not consent to genetic testing,

the court can order the parties to submit to testing. If either person refuses to be tested, the court can force the parties to submit to the testing through a contempt order, or determine the matter against the uncooperative person.

Proving paternity in court

If the alleged father refuses to cooperate with genetic testing, the court can establish paternity. The court may consider the following information:

- details about the man's relationship with the mother
- money given by the man for the child
- admissions of fatherhood by the man
- letters sent or gifts given to the child by the man
- details about when the child was conceived
- information from others who knew about the man's relationship with the mother
- pictures of the man with the child

Questions and answers—paternity

Can I get child support if I'm not sure who the father of my child is?

No. Paternity must be established before child support can be ordered. Paternity gives your child many rights, including child support, access to medical records, government benefits and more.

Can I start my case while I'm pregnant, before my baby is born?

No. The LCSA will not open a case until *after* the child is born.

Can paternity be established for my child if the father lives in another state?

Yes. The LCSA will ask for a genetic test from the LCSA in the other state. Also, a man can sign a Declaration of Paternity voluntarily declaring he is a child's father even if he lives in another state or another country.

The mother of my child and I live together. If I sign a declaration of paternity will a child support case automatically be opened?

No. Signing a declaration of paternity does not automatically open a child support case. However, if the mother goes on aid in order to receive welfare benefits, a referral will be made to the LCSA and a case will be opened.

The mother of my child refuses to sign the declaration of paternity and won't let me see my child. Will the LCSA help me with paternity establishment and child custody or are their services for mothers only?

Child support services are for both mothers and fathers. Yes, fathers can open a child support case and ask the LCSA to assist with getting the mother to submit to genetic testing and establishing paternity. Child custody and visitation are not part of the services provided by the child support program.

My girlfriend says that I'm the father of her child but I still have doubts. How can the local child support agency help me know for sure?

By opening a child support case with your LCSA, the LCSA will assist you with genetic testing and paternity establishment.

Receiving Child Support—what you need to know

Visiting your local child support agency

Individuals may visit an LCSA to open a child support case or for information about other services. The LCSA can refer parents to other agencies for employment, training, and other helpful programs. Child support services include obtaining child support and medical support orders, establishing paternity, and collecting support payments. Child support services DO NOT include help with divorce, custody, or visitation.

Opening a new child support case

Applications for service are available at LCSAs or online at www.childsupport.ca.gov/apply-for-child-support. Completed applications must be mailed or dropped off at the LCSA to be processed. After receiving a completed application, an LCSA will open a case within 20 days, and will attempt to interview the applicant within 10 days of the case's opening. If a child support order already exists, be sure to tell the LCSA.

Annual Fee

Federal law (Federal Deficit Reduction Act of 2005) requires states to charge families that have never received TANF a $25 annual application fee if at least $500 is collected annually on their behalf. Beginning October 1, 2011, the annual $25 fee will be assessed for each case in which the family has never received welfare benefits and the custodial party has received $500 or more in support payments during the prior federal fiscal year, (October 1 - September 30). The fee will be collected from the custodial party's next payment(s), until the $25 is paid in full. The fee will be assessed annually in October on cases meeting these criteria.

Basic child support and other expenses

Basic child support is calculated by a formula and does not include child care, medical bills unpaid by insurance, travel costs for visitation, education or other special needs. Additional child support for child care costs and uninsured health care costs may be ordered. Additional child support for travel costs for visitations and education or other special needs may also be ordered. Ask your LCSA about getting additional child support to help cover such expenses.

Before visiting the LCSA to open a child support case, gather as much information as possible. The more information available, the faster a child support order can be obtained. The following information is helpful:

Information about the party receiving support

- full name, address, and phone number
- date of birth
- Social Security number
- paycheck stubs
- driver's license number
- name, address, and phone number of the employer or the former employer; union or self-employment information
- existing child support orders
- marriage license
- divorce order or separation agreement
- tax returns for the past two years, including W-2 forms and 1099 forms

Tell the caseworker

Tell the county welfare department and LCSA if:

- you've ever received public assistance.
- you no longer have a child living at home.
- the NCP pays child support directly to you.

Social Security numbers

Federal law requires DCSS to keep Social Security numbers on file to establish, modify, and enforce child support orders. Enrolling a child in health insurance may require release of the child's Social Security number and mailing address to the other parent or the other parent's employer.

Information about the child

- each child's full name, address, and phone number
- each child's date of birth and copy of birth certificate
- each child's Social Security number
- proof of paternity

Information about the other parent

- full name, address, and phone number
- date of birth
- Social Security number
- driver's license number
- name, address, and phone number of the employer or former employer; union or self-employment information
- a recent photograph or description
- the names and phone numbers of friends or family
- information about past involvement with the child
- memberships and names of any clubs or organizations the other parent may belong to
- information about valuables, such as cars, motorcycles, boats, RVs, or other property
- copies of paycheck stubs, bank statements for checking, savings, or other accounts
- tax returns for the past two years, including W-2 forms and 1099 forms

Questions and answers—opening a child support case

Can I still open a child support case even if the other parent has been gone a long time?
Yes. But the longer parents are gone, the harder it may be to find them. See "Locating a parent," below.

Is my child support case open to the public?

Child support case information is confidential and not open to the public, but documents in court files or county recorder files are public records.

What can I expect when I visit the LCSA?

The process to obtain child support begins with opening a child support case. Your help and cooperation are required. A caseworker will ask for information about you, your children, and the other parent. The more information the caseworker has, the faster a child support order can be obtained.

What if my address changes?

Be sure to inform your LCSA of your new address when you move to ensure that you continue to receive your child support payments and/or notices.

What can I do if I am a victim of family violence?

You can ask that information about your case not be shared with other agencies or to any other party. If you receive CalWORKs or Medi-Cal, you can ask that the LCSA not act on your case.

Locating a parent

To obtain or enforce a child support order, the LCSA must locate the non-custodial party (NCP). Parties seeking child support can help the LCSA by providing any information they have about the NCP's whereabouts, income, and assets. The law requires the LCSA to take the next appropriate action within 75 days of receiving any new information regarding the whereabouts of the NCP.

Below are some sources LCSAs use to find parents owing support:

- motor vehicle registration and driver's license records
- employment and unemployment records
- credit reporting agency records
- social services records
- military records
- state licensing boards
- United States Postal Service
- current and previous employers
- law enforcement agencies, parole and probation offices

California Employment Development Department

Parents owing support may be found in the Employment Development Department's (EDD's) New Employee Registry. California employers must report the names, addresses, and Social Security numbers of all new employees.

Names and addresses of independent contractors who receive compensation of $600 or more in California must be reported to EDD, which can help locate self-employed parents.

The Federal Parent Locator Service

The National Directory of New Hires is the central database for information on employment, unemployment insurance, and wages from all states. All U.S. employers must report every new employee's name, address, and Social Security number.

The Federal Parent Locator Service gathers information about other parents owing support from across the United States. The data comes from the National Directory of New Hires and the Federal Case Registry.

Eventually, the Federal Case Registry will include every child support case and order in the United States.

Cooperating with other states, countries, and tribunals

A parent owing support sometimes moves out of California. However, every state and many foreign countries or tribunals have an agency to enforce child support orders. Although laws differ from state to state, all child support agencies work with each other to locate parents and their assets, and to collect current and past-due child support. Federal law requires every state to enact the Uniform Interstate Family Support Act (UIFSA) so states can work together to establish and enforce child support orders. Some foreign countries do not have agreements to establish and enforce child support orders from the United States.

Questions and answers—cooperating with other states, countries, and tribunals

What if I already have a child support order?

Take the order to your LCSA who will work with the other state or country to enforce the order, if needed.

Which state decides the child support amount?

If you do not have an order, the law requires your LCSA to determine which state sets the child support amount based on your case.

Will I have to go to the other state?

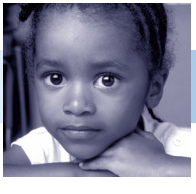
No. The LCSA will handle the case for you, but you may be asked to appear by telephone for court hearings.

I have an order from one state, but neither of us lives in that state. Is this still a good order?

Yes. The LCSA handling your case will enforce the most recent order, no matter where the parties live.

Can I make sure the other parent or caretaker won't have access to my home address and other personal information?

Yes. If you are concerned about the release of personal information, discuss this with your LCSA to review your options.



Collecting child support

Unless the court approves a different payment method, child support payments must be withheld from the parent's paycheck. An Income Withholding Order is sent to the other parent's employer within **15 days** after the employer is located. In most cases, the employer must start withholding no later than **10 days** after receiving the Income Withholding Order. The Income Withholding Order remains in effect as long as the parent remains employed.

Questions and answers—collecting child support

What happens when the parent owing support has money to pay child support but still won't pay?

The LCSA can use a variety of enforcement tools to collect the payments. Also, the court may find a parent owing support in contempt of court, or in rare instances, guilty of a misdemeanor and/or felony.

What should I do if the parent owing support moves away?

Tell the LCSA. Child support can be enforced anywhere in the U.S. Also, if you have custody and move away, your child support case can be transferred to your new county or state.

I have a California support order and the other parent lives in another state. I asked the other state to help me collect support, but the judge lowered the child support amount. Is that legal?

Laws known as the Full Faith and Credit for Child Support Orders Act and the Uniform Interstate Family Support Act may prevent a state from changing another state's court order. If the child lives here and an order is issued in California, in most cases, only a California court can change it.

May I look at the payment records?

Yes. As a party receiving support, you may see the payment records for your case. If you believe errors have been made, a review or audit of the account can be requested.

The parent owing support is in jail. Can I still get support?

Unless the parent in jail has assets or other income, child support will be nearly impossible to collect. A parent owing support who goes to jail should contact the LCSA to modify the child support order. Otherwise, past-due child support—including interest—will be charged. The parent in jail will be responsible for paying past due support when released from jail.

Step-by-step—collecting and receiving child support

1. **The court issues a child support order.**
2. **The LCSA issues an Income Withholding Order to the other parent's employer.**
3. **The employer deducts the child support payment and sends the payment to the State Disbursement Unit (SDU).**
4. **The SDU processes and sends the child support payment within two business days to the party receiving support.**
5. **Child support payments can be received by:**
   - **Direct Deposit—Payments are automatically deposited in the checking or savings account of the party receiving support.**
   - **Electronic Payment Card (EPC)—Payments are credited to the EPC which is used like a debit card.**
   - **Check—Payments are mailed to the party receiving support.**

Modifying the child support order

An existing child support order may be modified (changed) if there is:

- a significant increase or decrease in either parent's earnings.
- a change in custody or the amount of time the child spends with each parent.
- military service or deployment.
- a change in any other factor that would affect the child support guideline.

Either parent may request a review of their child support order. The request must be in writing, and must state reasons why the amount of the child support order is now too high or too low. A modification may be justified if the support order would change by 20 percent or $50, whichever is less. The LCSA will review the child support order in the event of a major change, such as getting a new job, losing a job, or a change in custody or visitation. Quitting a job does not justify a review.

If the LCSA decides the modification requirements have been met and a change is appropriate, they will ask the court to modify the child support order. The LCSA has **180 days** to request a change.

What the LCSA needs from you to consider a modification

In order for the LCSA to review your case for modification, you will need to provide information, such as:

- Income and expenses
- Child care expenses
- Medical insurance
- Disability (SSI, SDI, SSA, etc.)
- Jail or prison status
- Unemployment benefits
- Retirement income
- Custody and visitation arrangements

Please note: If the LCSA decides the requirements for a review are not met, the parent requesting the review may ask the court to review the order.

If both parents can agree to the support amount ahead of time, the parents can sign a stipulation (agreement) that must be filed with the court. If there is no agreement, a notice to appear in court will be sent and a judge or commissioner will decide the amount.

In cases where medical support was not already ordered by the court, the law requires the LCSA to ask the court for a medical support order whenever health insurance becomes available.

CalWORKs, KinGAP, Foster Care and Medi-Cal child support cases

If a child receives CalWORKs, KinGAP, Foster Care payments, or Medi-Cal benefits, the welfare department refers the case to an LCSA. To be eligible for public assistance, parents who apply for CalWORKs must cooperate with the child support caseworker unless it places the parent or child in danger. In that case, no action will be taken to collect child support until the county welfare office can investigate and make a decision on the *claim of family violence* or *good cause*.

When child support rights belong to the county

The party receiving support must give the right to child support to the state in exchange for receiving CalWORKs, KinGap or Foster Care along with Medi-Cal benefits. When a child support payment is collected, the party receiving support will get the first $50 of the child support payment and the county will get what is left. After the party receiving support is given the $50, the rest of the payment is used to pay back the county for the cost of the welfare benefit.

The $50 payment received is called a disregard, and won't change the amount of the CalWORKs benefit.

Foster Care and child support

When a child is placed in Foster Care, the right to child support payments belongs to the state. Any child support collected is first used to pay back the state for Foster Care benefits received. Any remaining funds collected will be placed in trust by the county welfare office to be used in the best interest of the child.

Medically needy only cases

In cases where the only public assistance provided is Medi-Cal, a parent/applicant may decline child support services, but must cooperate in getting and enforcing a medical support order. If he or she accepts child support services, the party owed support must cooperate fully with the LCSA. Court-ordered medical support requires the parent paying support to enroll the child in a health insurance plan, if available at a reasonable cost.

A party with a medical support order may contact the health insurance company and the employer directly to talk about insurance plan options.

After leaving CalWORKs, KinGap or Medi-Cal

When CalWORKs, KinGap, or Medi-Cal payments end, the child support case remains open and current collections and arrears owed are still enforced by the LCSA. If the party due support notifies the LCSA in writing that child support services are no longer needed and requests the case be closed, DCSS will continue to collect payments only for past-due child support owed to reimburse the county for CalWORKs benefits.

Credit for direct child support payments

The individual receiving support must report any direct payments received from the other parent to the LCSA. In CalWORKs or KinGAP cases, the party receiving support must also report direct payments to the county welfare department. Please note: When a custodial party receives a payment directly from the other parent, that payment may not be credited toward the child support amount owed by the parent paying support.

Both parents should keep records of payments made and received, as well as receipts for purchases. Payments made for clothes, school supplies, rent, and other expenses are not credited as child support payments. Child support paid through the DCSS SDU assures the parties of an accurate record of payments.

When cooperating is dangerous—Claim of family violence/good cause

A party receiving support can ask the county not to seek a child support order if cooperating puts the party receiving support or child(ren) in danger. If the claim of family violence/good cause is verified by the welfare department, CalWORKs, KinGAP, Foster Care, or Medi-Cal payments will not be reduced.

Tell your CalWORKS office or the LCSA if cooperating puts your safety at risk. Your safety is vital to the security and welfare of your family.

Questions and answers—CalWORKs, KinGAP and Medi-Cal

I am receiving CalWORKs or KinGAP. How is child support distributed?

In every month that a child support payment is made, a notice will be mailed to the party receiving support showing how much support was paid. Each month, the first $50 of current child support—a *disregard*—is paid to the party receiving support. The remainder goes to repay the county for any CalWORKs or KinGAP payments received.

If the LCSA cannot find the parent paying support, can I still get CalWORKs, KinGAP or Medi-Cal benefits?

Yes. If you are eligible and cooperate with the LCSA, you can receive CalWORKs, KinGAP or Medi-Cal benefits while the LCSA tries to find the other parent.

I received CalWORKs in the past, but not now. How is child support distributed?

Current support and arrears owed to you are paid to you. Anything collected above current support and arrears owed to you is kept by the LCSA to pay for past-due child support during the time you received CalWORKs.

Paying Child Support—what you need to know

Visiting your local child support agency

Child Support Program services are for both parents—parties receiving support and parents paying support. Parents paying support may visit to apply for services, or ask to modify child support already ordered.

LCSAs are an important resource for parents paying support. By working closely with the LCSA, parents paying support can avoid or minimize issues that may arise regarding their child support case and/or child support payments. The LCSA can also provide assistance and referrals to other agencies for employment, training, and other helpful programs and services.

Child Support Cases

By law, if a child receives public assistance, a case is opened automatically. However, a case is also opened for any parent, caretaker or guardian who requests services.

What to do if you are ordered to pay child support

Under California law, parents are required to pay their court-ordered child support on time and in full. If you are ordered to pay child support, be sure to:

- Read and respond to all paperwork sent to you.
- Contact the LCSA if you have any questions or concerns.
- Pay your support in full and on time.
- Seek private legal advice if you wish.
- Keep accurate records of payments. They will help if you have a question concerning your case.
- Tell the LCSA about any changes in circumstances that could affect your case, including:
  - Custody and visitation
  - Income
  - Employment
  - Workers' compensation
  - Disability status
  - Address
  - Marital status
  - Changes to your family size
  - Jail or prison
  - Child care
  - Health insurance coverage
  - Military status, including active duty deployment

Providing this information may benefit you and could change the amount you are expected to pay.

A parent who cannot meet the full obligation or cannot make the court-ordered payments must contact the LCSA as soon as possible to avoid or minimize any adverse actions that may be taken.

Making child support payments

Most court-ordered child support payments are made through employer income withholding—when an employer deducts court-ordered child support payments from an employee's paycheck.

Questions and answers about income witholding orders

What is an income withholding order?

An income withholding order, also called a wage assignment, requires an employer to make a deduction from a parent's paycheck to pay child, spousal, and/or medical support.

Why do I have an income withholding order?

Federal and state laws require an income withholding order in almost every case where there is a child support order. Income withholding orders are issued, even if payments are currently being made. Income withholding orders help children get their child support on time. Income withholding orders can also help you by providing a payment record.

How long will the income withholding order last?

Income withholding orders continue until there is no longer any child support or arrears owed.

Can I be fired because I have an income withholding order?

No. It is against the law for an employer to fire an employee because the employee has an income withholding order. If you think this has happened, you may want to speak to an attorney.

Is my employer required to follow the income withholding order?

Yes. An income withholding order is a legal document served on your employer. If the employer does not follow it, your employer can be held in contempt of court.

What if my employer is deducting payments but I am not receiving credit?

Your employer has been given instructions for processing an income withholding order. Although your employer is required to deduct and send payments on your behalf, you are responsible for making sure that your payments get to the State Disbursement Unit in a timely manner.

Check your child support statements and keep your pay stubs to make sure you are receiving proper credit. If there is a problem, contact your local child support agency immediately.

If your payment for current child support is not made by income withholding, other payment options are available. Confirm with your LCSA or Family Law Facilitator if you are eligible to pay using the following options:

- Make a debit/credit card payment online at www.casdu.com or over the telephone at 1-866-901-3212.

- Set up ongoing (recurring) automatic withdrawals from your checking or savings account or credit card at www.casdu.com.
- Pay by check—mail your payment to:

State Disbursement Unit
P.O. Box 989067
West Sacramento, CA 95798

The Family Law Facilitator in each county provides free assistance

Every family court has a Family Law Facilitator to provide child support information and help parents obtain and complete court forms. Services are free and unconnected with DCSS. Contact information is available on the Internet at www.courts.ca.gov/selfhelp-support.htm

Modifying the child support order—step-by-step

An existing child support order may be modified (changed) if there is:

- a significant increase or decrease in either parent's earnings.
- a change in custody or the amount of time the child spends with each parent.
- a change in any other factor that would affect the child support guideline.

If you become disabled, lose your job, or go to jail, contact the LCSA as soon as possible. Unless the child support order is modified, unpaid child support—plus interest—will still be owed.

The LCSA will review the child support order in the event of a major change, for example: losing a job, getting a new job, or a change in custody or visitation. Quitting a job does not justify a review.

Either parent may request a review of their child support order. The request must be in writing, and must state reasons why the amount of the child support order is now too high or too low. A modification may be justified if the support order would change by 20 percent or $50, whichever is less.

If the LCSA decides the modification requirements have been met and a change is appropriate, the LCSA will ask the court to modify the child support order. The LCSA has 180 days to request a change.

Please note: If the LCSA decides the requirements for a review are not met, the parent requesting the review may ask the court to review the order.

If both parents agree to the support amount ahead of time, the parent paying support and party receiving support can sign a stipulation (agreement) that must be filed with the court. If there is no agreement, a notice to appear in court will be sent and a judge or commissioner will decide the amount.

In cases where medical support has not been ordered by the court, the law requires the LCSA to ask the court for a medical support order whenever health insurance becomes available.

Questions and answers—modifying the child support order

I am the parent paying support. If I lose my job, do I still have to pay child support?

Yes, but call the LCSA right away and ask them to review your case. The court can modify the child support order if you lost your job through no fault of your own.

I am the parent paying support, but my child lives with me now. Can I change the child support order?

Yes. When there is a change in visitation or custody of the child, you can either go to court to ask for a change in the child support order, or you may ask the LCSA to ask the court to modify the court order. You may be able to reduce the child support you pay or begin receiving child support from the other parent.

My ex-spouse has remarried and has another family to support. How does this affect the support owed to our children?

The amount of the child support order may be decreased if the parent paying support is also financially responsible for children from another relationship.

What does the LCSA need from me to consider a modification?
In order for the LCSA to review your case for modification, you will need to provide information, such as:

- Income and expenses
- Child care expenses
- Medical insurance
- Disability (SSI, SDI, SSA, etc.)
- Jail or prison status
- Unemployment benefits
- Retirement income
- Custody and visitation arrangements

Paying court-ordered child support is your responsibility

Under California law, parents are required to pay their court-ordered child support on time and in full. A parent who cannot meet the full obligation or cannot make the court-ordered payments must contact the LCSA as soon as possible to avoid or minimize any adverse actions that may be taken.

Please note: Unpaid child support plus interest will still be owed.

The LCSA tries to get parents to pay child support voluntarily. But if a parent is late or fails to pay court-ordered child support, both DCSS and the LCSA have many ways to collect support, including:

Alaska Permanent Fund Dividend Offset: The non custodial party's annual dividend payments issued to qualified Alaska residents may be offset for past-due child support.

California Public Employees Retirement system: These benefits can be intercepted.

Credit Reporting: Paying child support late can affect your credit rating. Every payment and/or failure to pay is reported to the major credit reporting agencies.

Passport Denial: If a person owes $2,500 or more in past-due child support, the U.S. Department of State will not issue or renew a passport until all past-due child support is paid. In most cases, a passport is needed to travel outside the U.S.

Property Liens: A real property lien will be filed against the real property of a parent who owes past-due support. In most cases when the property is sold, partial or full payment of the real property lien will be applied to the past-due support.

State License Suspension and Revocation: Driver's licenses, occupational, recreational, sporting licenses, and permanent state-issued professional licenses—for example, contractor, doctor, teacher, attorney, cosmetologist, etc.—can be suspended or revoked until past-due child support is collected.

DCSS Financial Institution Levy: DCSS may issue a levy against an individual's financial institutions, including bank accounts, retirement accounts, and other financial holding to collect past-due child support.

Federal Income Tax Refund Offset and other Administrative Payments: The Internal Revenue Service (IRS) can intercept tax refunds and other federal benefits can be taken for past-due support.

Unemployment/Disability Insurance Benefit Intercepts: Unemployment and part of state disability insurance benefits can be intercepted.

Workers Compensation Appeals Board Match System: Lump sum workers compensation awards can be taken.

State Tax and Lottery Winning Intercepts: These payments can be intercepted.

Social Security Benefits: These benefits can also be intercepted.

In extreme situations, DCSS can seek a contempt citation in court if a parent owing support who has the ability to pay refuses to pay child support. Normally this is used only as a last resort when all other attempts to collect child support have failed. Cases may also be referred to the District Attorney to review for a possible misdemeanor or felony charge.

Help with arrearages (past-due payments)

The DCSS has two programs to help parents pay off arrearages:

The Compromise of Arrearages Family Reunification Program is for parents who owe the government money because welfare benefits were paid for a child living with a relative, a guardian, or in foster care. If the child is still a minor and now lives with the parent with past-due payments, and that parent's net income is less than 250 percent of the federal poverty level, that person can apply for this program.

The Compromise of Arrears Program (COAP) may allow a parent who owes the government $501 or more to reduce the total amount owed by making payments. Contact your LCSA for more information.

Closing a child support case

Under state law there are specific rules that govern how a child support case can be closed, and by whom.

When an LCSA closes a case

Under Title 22 California Code of Regulations (CCR) Section 118203(a)(1) through (a)(15) the LCSA must close a case if:

- A current child support order is no longer enforceable, and less than $500 in past-due child support is owed.
- The parent owing support died and a levy on the estate cannot be enforced.
- Paternity cannot be established because:
  - the youngest child is over age 18 and paternity was never established.
  - genetic tests excluded the man as the father.
  - it is in the best interests of the child because of a pending adoption.
  - the biological father cannot be identified after diligent efforts are made to identify him.
  - the child was conceived as a result of artificial insemination and the donor was not the husband of the woman.
- The other parent's residence, employment address, earnings and assets are all unknown after the local child support agency made diligent efforts to find them.
- The other parent has no earnings or assets that can be levied or attached for child support purposes because:
  - the other parent is institutionalized in a psychiatric facility.
  - the other parent is in prison without possibility of parole.
  - the other parent is medically verified to be totally and permanently disabled.
  - the other parent's only income is SSI/SSP.
- The parent owing support lives in a foreign country, and California does not have reciprocity with that country.
- LCSA provided non-IV-D location only services.
- A good cause determination has been made. See "When a CalWORKs or KinGAP party receiving support closes a case" on page 30.
- The court determines it inappropriate to establish a case for retroactive child support only.
- The recipient of services moved to another county or state and has applied for services there.
- The case was opened in error.

In most cases, the LCSA must notify the recipient of services in writing at least 60 days before closing a child support case. The individual can respond to the notice and provide information that will be reviewed and a determination made if the case should close or remain open.

When a party receiving support or a parent paying support can request closure of a case

Under CCR Section 118203(a)(8) the recipient of services (the person who requested services from the local child support agency) can request to close the case.
Please note: When the case is closed the person no longer receives services from the LCSA. However the child support order will remain in effect and court-ordered child support payments will still have to be paid.

When a CalWORKs or KinGAP party receiving support closes a case

A person who applies for CalWORKs or KinGAP must cooperate with the child support caseworker, unless the county welfare office determines that cooperating places the parent or child(ren) in danger. See "CalWORKs, KinGAP, Foster Care and Medi-Cal child support cases" on page 22 for more information.

When the county welfare office determines the applicant for CalWORKs or KinGAP has good cause not to cooperate with the LCSA, or if such determination is pending, the LCSA must close the case when it receives that information. If the county welfare office determines that good cause no longer applies, the case will be reopened.

Resolving problems with your child support case

Talk to the Ombudsperson!

The Ombudsperson Program's goal is to facilitate the resolution of complaints at the earliest possible time.

If you need help with a problem, ask to speak with the LCSA's Ombudsperson if your case worker is unable to assist you. An Ombudsperson can:

- explain your rights and responsibilities.
- resolve problems with your case.
- arrange for special accommodations or interpreters.
- explain the complaint process before, during, and after a complaint is filed.
- explain the state hearing process.

The complaint resolution process

You have the right to file a written or verbal complaint through the Complaint Resolution Program.

A complaint can be filed if you have an open case with DCSS. Issues that can be resolved through the Complaint Resolution Program include:

- the decision to open or close a case.
- failure to establish a court order for child support.
- collection and distribution of payments.
- calculation of past-due payments.
- efforts to modify the child support amount.
- timeliness of service.
- enforcement efforts.
- location efforts.
- audit requests.

Issues that cannot be resolved through the Complaint Resolution Program include:

- court-ordered amount of child support; past-due payments, custody, visitation, spousal support; or determination of parental relationship.
- complaints about court services—contact the family law facilitator at the courthouse, an advocate, or a lawyer for assistance.
- civil rights violations.
- court ordered visitation issues.
- complaints about child support services, if the complainant does not have an open child support case.
- complaints against LCSA personnel.
- passport holds and/or denial of passport release.

How to file a complaint

State your complaint by phone or in person, or get a Request for Complaint Resolution form from your LCSA or www.childsupport.ca.gov/customer-service/. Submit the complaint form to the LCSA by mail or in person.

A complaint must be filed with the LCSA within 90 days of the date you knew—or should have known—about the subject of your complaint.

What will be done about your complaint

Someone other than the caseworker involved with your complaint will investigate and try to resolve your complaint, and will tell the LCSA what must be done to remedy the problem. The complaint investigator will contact you soon after he or she receives your complaint.

The LCSA is required to provide a resolution in writing to a complaint within 30 days. If necessary, the LCSA can extend the complaint resolution period a maximum of 30 additional days. If the complaint resolution period is extended, the LCSA is required to mail you a notice stating the reason.

The LCSA will send you a written Notice of Complaint Resolution which will include information about your right to a state hearing if you are not satisfied with the response to your complaint.

The state hearing process

If you are not satisfied with the LCSA's response to your complaint, or if you have not received a response from the LCSA within the 30-day time frame, you have the right to have your complaint heard at a state hearing.

The following disputes cannot be heard at a state hearing:

- issues that must be addressed in court
- court-ordered child support amounts
- parental relationship/paternity
- child custody or visitation
- contempt proceedings
- civil rights violations
- discourteous treatment by a LCSA employee

How to request a state hearing

Talk to the Ombudsperson, or request a form from:

- your LCSA.
- California Department of Child Support Services website, *www.childsupport.ca.gov*.
- State Hearing Office—call toll-free 1-866-289-4714.
- California Department of Child Support Services
  Office of Legal Services
  State Hearings
  P. O. Box 419087
  Rancho Cordova, CA 95741-9087

How to prepare for a state hearing

The Ombudsperson can help you request a state hearing. The following information will help you present your case:

- Write a statement of the facts of your case.
- Bring copies of any information, such as statements and notices that support your complaint.
- Prepare a list of witnesses and people who might be willing to speak on your behalf about the complaint at the hearing.

Contact the State Hearing Office for more information.

The hearing will be held within **45 days** after the State Hearing Office receives your request. You will be notified of the date, time and place of the hearing. If you are unable to attend, ask for a new hearing date or for the hearing to be held by telephone.

Translation services and reasonable disability assistance are available free of charge if needed.

Complaint resolution and state hearing timelines

Complaints must be filed with the LCSA within **90 days** of the date you knew, or should have known, about the subject of your complaint.

You must request a state hearing within **90 days** after the date you receive the LCSA's written response to your complaint.

If the LCSA does not respond to your complaint in writing, you must request a state hearing within **90 days** from the date you filed your complaint with the LCSA.

The state hearing will be held within **45 days** after the State Hearing Office receives your request.

Appendix
Important Timelines

The Court Process -"Summons and Complaint"

- Within **60** days after the CP provides the locate information, the "Summons and Complaint" and a blank Answer form are delivered to the parent being asked to pay child support.
- Within **90** days of the LCSA locating the parent, the "Summons and Complaint" and a blank Answer form are delivered to the parent being asked to pay child support.
- Within **30** days of receipt of the "Summons and Complaint," the person served must respond in order to have their income information considered by the court.

Opening a New Child Support Case

- The LCSA has **20** days to open a case after receiving a completed application.
- The LCSA must interview the applicant within **10** days of the date the case is opened.

Locating a Parent

- Within **75** days of determining that an NCP needs to be located, the LCSA is required to access all appropriate locate sources.

Collecting Child Support

- Within **15** days after an employer is located, an Income Withholding Order is sent to the NCP's employer.
- Once the Income Withholding Order has been received, the employer must start withholding income **10** days after receipt of order.

Modifying the Child Support Order

- The LCSA has **180** days to review and request a change.

Closing a Child Support Case

- The LCSA must notify the recipient of services in writing at least **60** days before closing a child support case.

The Complaint Resolution and State Hearing Process

- Complaints must be filed with the LCSA within **90** days.
- The LCSA must provide a written resolution within **30** days of its receipt.
- If you receive no response to your complaint within **30** days or you are not satisfied with the response, you have the right to a state hearing.

See page 31-33 for more information.

California Department of
Child Support Services
March 2014

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