

**CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES**

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

Reason for this Transmittal

- State Law or Regulation Change
- Federal Law or Regulation Change
- Court Order or Settlement Change
- Clarification requested by One or More Counties
- Initiated by DCSS

June 13, 2003

CSS LETTER: 03-10

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

SUBJECT: COMPLIANCE ISSUES REGARDING CHILD SUPPORT AND MILITARY PERSONNEL

REFERENCE: CSS LETTER 02-07, A CASEWORKERS GUIDE TO CHILD SUPPORT ENFORCEMENT AND MILITARY PERSONNEL

This letter clarifies local child support agencies' (LCSAs) responsibilities to provide child support services for deployed military personnel.

As a result of the war with Iraq, many custodial parties (CPs) and non-custodial parents (NCPs) have been called to active military duty. Per CSS letter 02-07, active military personnel are accorded certain protections under the Soldiers' and Sailors' Civil Relief Act (SSCRA). These protections, among other things, consist of delaying appearances while on active duty and a reduced interest rate (6%) on arrearages accumulated prior to the date of entry into active duty. In addition, CSS letter 02-07 requires LCSAs to give review and adjustment requests the highest priority and flexibility allowed under state law for military personnel. It is important that LCSAs be aware of the limitations and protections of military personnel while at the same time continue to provide the child support services required by law.

Notwithstanding the SSCRA, LCSAs are required to continue to provide child support services (determine paternity, establish, modify, and enforce child support obligations) for military personnel, including obligors who have been called to active duty. LCSAs are reminded that the same compliance requirements and timeframes apply for all child support cases, including military cases. That is, LCSAs must complete or attempt to complete all the necessary steps in determining paternity, establishing, modifying and enforcing child support orders.

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For instance, the federal timeframe (compliance requirement) for establishing a support order or serving process, is 90 days. 45 Code of Federal Regulations, Section 303.4(d) requires LCSAs to establish an order for support or complete service of process necessary to commence proceedings to establish a support order (or document unsuccessful attempts to serve process) within 90 calendar days of locating the alleged father or NCP, regardless of whether paternity has been established. If establishment is needed for an obligor who is called for active military duty, the LCSA shall be considered to be in compliance with federal law if the LCSA completes service of process or documents unsuccessful attempts within 90 days of locating the alleged father or NCP.

To assist with child support services and military personnel, the Office of Child Support Enforcement (OCSE) published "A Caseworkers Guide to Child Support Enforcement and Military Personnel." This comprehensive guide provides caseworkers with the tools and resources necessary to provide child support services to military personnel. You may access the guide at OCSE's website at:

<http://www.acf.hhs.gov/programs/cse/fct/militaryguide2000.htm>

If you have any questions or concerns regarding this matter, please contact the Policy Branch at (916) 464-5055 or by email at [policy.branch@dcss.ca.gov](mailto:policy.branch@dcss.ca.gov).

Sincerely,

DONNA S. HERSHKOWITZ  
Deputy Director  
Child Support Services Division