

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

November 26, 2003

CSS LETTER: 03-26

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

SUBJECT: MAXIMUM FAMILY GRANT AND LIMITATION ON RETROACTIVE SUPPORT

REFERENCE: CSS LETTER 01-28
 FSD LETTER 97-13

This letter provides clarification regarding the applicability of the retroactive child support statutes to families with maximum family grant (MFG) children. Family Code Sections 4009 and 17402(a)(2) specify a non-custodial parent's obligation for retroactive child support for non-CalWORKs and CalWORKs, respectively. For the purpose of establishing a child support obligation for an MFG child, the requirements for establishing a retroactive order for a non-CalWORKs case apply. Therefore, child support may only be retroactive to the date of filing the petition, complaint, or other initial pleading, unless otherwise specified (Family Code Section 4009).

An MFG child is technically considered a CalWORKs recipient and is eligible for food stamps and Medi-Cal. The MFG child is also included in the calculation of the Minimum Basic Standard of Adequate Care. However, the MFG child is not considered part of the assistance unit for determining cash assistance. Consequently, the family's Maximum Aid Payment does not increase for the MFG child (unless otherwise exempted) and CalWORKs is not paid to support the MFG child.

For the purpose of the child support enforcement program, the MFG child is considered aided for all purposes *except* determining retroactive child support and collecting and distributing child support payments. When child support is sought for a CalWORKs aided family that includes MFG children, the local child support agency must establish one child support order that reflects the appropriate periods for retroactive child support for all of the



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children. For the purpose of determining retroactive child support, the MFG children are considered non public assistance; therefore, the child support order for the MFG child may only be retroactive to the date of filing the petition, complaint, or other initial pleading unless otherwise specified. The child support order may, however, be retroactive up to one year prior to the date of filing of the petition or complaint for the CalWORKs aided children.

If you have any questions, please contact Eddie Yamamoto, Manager, Case Management Establishment Policy Unit at (916) 464-5229.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Hershowitz', with a large, stylized flourish at the end.

DONNA S. HERSHOWKITZ
Deputy Director
Child Support Services Division