

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

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



June 30, 2004

CSS LETTER: 04-12

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

SUBJECT: PRIVATE CHILD SUPPORT COLLECTION AGENCIES

REFERENCES: OFFICE OF CHILD SUPPORT ENFORCEMENT POLICY
 INTERPRETATION QUESTIONS 03-05 AND 02-02,
 DEAR COLLEAGUE LETTER 02-35, INFORMATION
 MEMORANDUM 02-09; AND CALIFORNIA CODE OF
 REGULATIONS, TITLE 22, DIVISION 13, SECTIONS 111430
 AND 111440

The Department of Child Support Services (DCSS) received numerous policy interpretation questions requesting guidance on various issues related to private child support collection agencies. This letter is being issued to reaffirm the direction given by the federal Office of Child Support Enforcement (OCSE) regarding private child support collection agencies and to address the subject areas in which policy interpretation questions have been received.

Request for Change of Address

There is no federal statutory or regulatory authority that precludes a local child support agency (LCSA) from doing any of the following, upon receiving written authorization from the custodial party (CP).

- Changing the address of record of a CP to the address of a private child support collection agency.
- Sending non-assistance child support payments to the private child support collection agency.

As indicated by the above referenced OCSE policy letters, when a written request for a change of address is received from the CP, the request must be honored. To the extent that your current automation system does not permit the mailing of support collections to one address and the mailing of all notices and other information to a

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

second address, the LCSA should inform the CP that he or she should take steps to ensure that the private child support collection agency is obligated to provide him or her with all notices and correspondence from the IV-D agency in a timely manner.

To access the above referenced OCSE policy letters, please click on the following website address and scroll down to December 19, 2002:

<http://www.acf.dhhs.gov/programs/cse/newann.htm>

Confidentiality and the Disclosure of Child Support Information

Upon written authorization from the CP to supply information to a private child support collection agency, the LCSA shall only provide information that would normally be provided to the CP pursuant to federal and State law and regulations.

Regulations related to both "Safeguarding and Confidentiality of Child Support Information" and the "Disclosure of Information" have been adopted by DCSS. These regulations do not prohibit an LCSA from discussing case information with a designated party, if written authorization from the CP and/or non-custodial parent (NCP) is obtained. However, these regulations do limit what information can be disclosed, for what purpose the information can be disclosed, and to whom the information can be disclosed. For example, if the CP is entitled to receive a payment history and the CP requests that the LCSA deal with the private child support collection agency, the private child support collection agency would also be entitled to the payment history information.

As indicated by the California Code of Regulations, Title 22, Division 13, Section 111430(a), child support information is confidential and shall not be disclosed for purposes not directly connected with the administration of the child support enforcement program, unless expressly authorized under the article. Additionally, Section 111440 specifies the circumstances under which the disclosure of information is authorized. Therefore, LCSAs should observe the provisions of Sections 111430 and 111440 in addition to applicable federal and state laws when discussing information with a CP, NCP, and/or an authorized party.

To access DCSS regulation Sections 111430 and 111440, please click on the following website address:

<http://www.childsup.cahwnet.gov/regulations/>

Case Closure

An LCSA should not close a case or request that the CP close his/her case due to the CP contracting with a private child support collection agency. A case should only be closed pursuant to DCSS regulation Section 118203. A CP's choice to utilize the services of a private child support collection agency or request that the LCSA forward

CSS Letter: 04-12

June 30, 2004

Page 3

payments to a private child support collection agency, in and of itself, do not satisfy the case closure criteria.

To access DCSS regulation Section 118203, please click on the following website address:

<http://www.childsup.cahwnet.gov/regulations/>

If you have any questions or concerns regarding this matter, please contact the Policy Branch at (916) 464-5055 or e-mail at policy.branch@dcss.ca.gov.

Sincerely,



VICTOR M. REA

Acting Deputy Director

Child Support Services Division