

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

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



April 25, 2006

ERRATA

CSS LETTER: 05-13

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

SUBJECT: CSS LETTER 05-13 ERRATA

This letter advises local child support agencies (LCSAs) of a change in State policy with regards to Family Code (FC) Section 4504 and the application of Social Security Administration (SSA), Rail Road Administration (RRA), or Department of Veterans Affairs (DVA) federal payment credits, as chaptered in Assembly Bill (AB) 2669.

DCSS has reviewed AB 2669 and the associated federal and state law in response to questions received from LCSAs regarding CSS Letter 05-13. Based on DCSS review, a determination was made to modify previous directions (as provided in CSS Letter 05-13, dated April 28, 2005), regarding application of the federal credit given towards child support payments in consideration of payments made by SSA, RRA, and DVA direct to custodial parties (CP), in support of a non custodial parent's (NCP) dependent child.

Effective the date of this letter, LCSAs shall credit those NCP child support accounts in which the CP directly receives federal payments from SSA, RRA, or DVA, with the full amount of the monthly payment, including any lump sum amounts. In the event the CP receives a lump sum SSA, RRA, or DVA payment, consisting of payments representing more than one month, the NCP is to receive credit for each month the lump sum payment was intended. LCSAs may apply any remaining excess federal credit amount to an NCP's IV-A or non-IV-A arrears, whichever is applicable.

The "excess federal credit" is defined as the amount of the federal payment paid to the CP over and above the current monthly support amount, as identified on the court order.

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

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The example provided in CSS Letter 05-13, Family Code Section 4504, located on page two, has been revised in accordance with the changes made in this errata letter to read:

Example: *NCP is ordered by the court to pay \$150 per month for current support. In addition, the NCP also owes \$5,000 in child support arrears. The CP directly receives \$500 per month from the Social Security Administration (SSA), based on NCP Social Security Disability benefits, for the support of NCP's dependent child. NCP receives a monthly credit of \$150 to be applied towards NCP current support obligation, and \$350 (\$500 minus \$150) to be applied towards the reduction of NCP's \$5,000 arrearage balance (IV-A and non-IV-A). In the event the NCP owes no arrearage, the NCP only receives a credit resulting from the federal payment towards the \$150 current monthly support due.*

If you have any questions or concerns regarding this matter, please contact Trish Salveson, Manager, Financial Management Policy Unit at (916) 464-5055.

Sincerely,

o/s KAREN ECHEVERRIA

KAREN ECHEVERRIA
Deputy Director
Child Support Services Division