

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

October 29, 2004

CSSIN LETTER: 04-25

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

SUBJECT: CHILD SUPPORT LEGISLATION 2003-2004

The Governor recently signed legislation related to child support services. The purpose of this letter is to provide you with a brief summary of those bills. Any required regulation or policy instructions will be provided under a separate letter.

AB 252 (Jackson) Chapter 849 Effective January 1, 2005

Creates an additional opportunity for individuals to challenge a judgment of paternity on the basis of genetic testing when the genetic test shows that the previously established father is not the biological father, subject to specific limitations and safeguards for the protection of the child's best interest.

AB 1704 (Committee on Judiciary) Chapter 339 Effective January 1, 2005

Eliminates the requirement that child support abstract of judgments be notarized, improves access to family courts by extending the authorization to conduct hearings by telephone or other electronic means and eliminates a duplicative process in gathering information for the Child Support Case Registry. In addition, the bill makes several technical changes to the language in the laws affecting child support enforcement activities.

AB 1706 (Committee on Judiciary) Chapter 369 Effective January 1, 2005

Prohibits an employer from using an assignment order as grounds for denying a promotion to an employee or for taking any action adversely affecting the terms and conditions of employment.

AB 2358 (Steinberg) Chapter 806 Effective January 1, 2005

Consolidates the authority for collection activities performed by the Franchise Tax Board (FTB) into the Department of Child Support Services (DCSS). The bill requires DCSS to determine the necessity and cost effectiveness of additional obligor locate sources. The bill extends to December 31, 2007 DCSS' authority to establish policy through child support services letters and emergency regulations providing DCSS the ability to implement policy changes quickly during development of the California Child Support Automation System. The bill eliminates the unnecessary wage withholding, payment and reimbursement cycle in cases where the obligee cannot be located by authorizing DCSS to notify employers to suspend wage withholding commencing 45 days after an obligee cannot be located, and until such time as the employer of the State Disbursement Unit (SDU) discovers the address of the non-IV-D obligee.

AB 2358 will also require employers who are currently required to transmit tax withholdings by electronic fund transfers, to also transmit child support payments withheld under earnings assignment orders to the SDU by electronic fund transfers and allow other employers to do the same.

AB 2530 (Levine) Chapter 520 Effective January 1, 2005

Modifies the State Controller's Office (SCO) duties and authority to increase efficiency and cost effectiveness. Specifically, the bill allows the employer to deduct a fee of \$1.50 for each payment made under an earnings withholding order, increasing the current fee of \$1.00.

AB 2669 (Garcia) Chapter 305 Effective January 1, 2005

Changes distribution of child support payments, effective January 1, 2009. The change will apply child support payments against principal before interest. AB 2669 will also eliminate charging retroactive arrears before the Summons and Complaint is filed in welfare cases, treating welfare and non-welfare cases the same. The bill also allows dependent's benefits to be treated like any other support payment and provides a more uniform method to calculate child support in foster care cases.

Sincerely,

SUSAN R. TUREK
LEGISLATIVE DIRECTOR