

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

July 11, 2002

CSS LETTER: 02-14

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

SUBJECT: CLARIFICATION OF CSS LETTER NO. 02-04 REGARDING ASSEMBLY
 BILL (AB) 891

REFERENCE: CSS LETTER 02-04

This letter provides clarification to CSS Letter 02-04, dated January 24, 2002. CSS Letter 02-04 provides policy guidance concerning the provisions of AB 891, Chapter 651 (Statutes of 2001), which amended parts of the Family Code as well as the Revenue and Taxation Code.

CSS Letter 02-04 states that disabled noncustodial parents receiving Supplemental Security Income/State Supplemental Payments (SSI/SSP) or Social Security Disability Insurance (SSDI), or those eligible to receive such payments but for certain excess income, may receive credit toward child support obligations for certain derivative payments received by the child(ren) of those disabled obligors. Counties have requested clarification regarding these derivative payments. To clarify, obligors receiving Social Security Act, Railroad Retirement Act, or Veterans Affairs benefits, because of the retirement or disability of the obligor, can receive credit towards child support obligations for derivative payments received by the dependent child(ren) of those disabled/retired obligors. There are no derivative payments available to children from the SSI/SSP program.

Further, CSS Letter 02-04 states that local child support agencies (LCSAs) are responsible for verifying the eligibility of child(ren) to receive payments from SSDI, Railroad Retirement, or Veterans Affairs benefits. Family Code 4504(a) states in part, "...the custodial parent or other child support obligee shall contact the appropriate federal agency within 30 days of receiving notification that the noncustodial parent is receiving those payments [SSDI, Railroad Retirement, or Veterans Affairs benefits] to



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verify eligibility for each child to receive payments from the federal government because of the disability of the noncustodial parent.” The intent of CSS Letter 02-04 was not to require LCSAs to verify this eligibility, but rather, to require the custodial parent or “other child support obligee” to provide this verification. For purposes of this verification, “other child support obligee” includes a guardian or other person to whom child support has been ordered to be paid, not the LCSA.

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.

Sincerely,

PATRIC B. ASHBY
Deputy Director
Child Support Services Division