

**CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES**

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



April 6, 2006

CSS LETTER: 06-12

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

SUBJECT: SELECTIVE CASE INITIATION: ESTABLISHING A CHILD SUPPORT  
CASE AGAINST ONE NONCUSTODIAL PARENT AND NOT THE OTHER

This letter provides clarification to local child support agencies (LCSAs) regarding selective case initiation when establishing a child support case. Specifically, the practice of selectively establishing a child support case against one noncustodial parent (NCP) and not the other NCP, when an application for child support services is received from a caretaker. *Caretaker* is defined in the Child Support Program Glossary as, "A relative other than a parent or an unrelated person with whom a child lives, who may or may not be receiving aid."

This issue arises most often in cases involving a caretaker who requests child support enforcement against one NCP and not the other. Regardless of public assistance status, Family Code Section 3900 provides that, "The father and mother of a minor child have an equal responsibility to support their children in the manner suitable to the child's circumstances." Moreover, establishing a case against only one NCP, when both parents are absent, is not only inequitable but also discriminatory. In addition, California Code of Regulations Section 110099 defines case and states, "If both parents are absent and liable for or potentially liable for the support of the child(ren), each parent is considered a separate case."

When establishing a new child support case, the LCSA must request and obtain information about the custodial party (CP), the NCP(s), and the child.

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

CSS Letter: 06-12  
April 6, 2006  
Page 2

Therefore, upon receipt of an application requesting selective case initiation, the LCSA must advise the applicant that appropriate establishment and enforcement actions will be initiated toward both NCPs as follows:

- Open a Title IV-D case against the absent father and the absent mother *and*,
- Establish a court order against the absent father and the absent mother *and/or*,
- Enforce support orders equally against both the absent father and the absent mother using all enforcement actions, remedies, and resources available to the LCSA.

Effective immediately, the LCSA shall not grant requests to “selectively” establish and/or enforce a case against one NCP and not the other. At any time during the case opening, establishment, or enforcement processes should the caretaker request the termination of services and/or case closure against just one of the NCP cases, the LCSA shall deny the request citing the above statutory and regulatory provisions.

The caretaker will be allowed, at any time, to request the closure of the cases against both the absent father and the absent mother; provided there are no arrears assigned to the state that are eligible for enforcement. Otherwise, the caretaker must elect to have both of the cases remain open and equally enforced by the LCSA.

If you have any questions or concerns regarding this matter, please contact Jon Cordova, with the Policy Branch, at (916) 464-5055.

Sincerely,

S/KAREN ECHEVERRIA

KAREN ECHEVERRIA  
Deputy Director  
Child Support Services Division