CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES
P.O. Box 419064, Rancho Cordova, CA 95741-9064

August 21, 2008

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
[X] Initiated by DCSS

CSS LETTER: 08-11

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

SUBJECT: MANAGING UNALLOCATED ORDERS IN CHILD SUPPORT
ENFORCEMENT (CSE) SYSTEM FOR CURRENT CHILD SUPPORT
AND ARREARS

The purpose of this letter is to clarify terms related to unallocated orders and to provide guidance to counties to ensure statewide consistency in managing unallocated orders.

An unallocated child support order is a court order for current support that contains one total support amount for all children. The court order does not declare a specific amount for each child. Upon emancipation of older child(ren), the total child support amount ordered will remain unchanged until the youngest child emancipates or child support terminates by other operations of law, such as death, or modification of the order.

The following terms fall under the definition of unallocated child support order types:

- **Blanket child support order** - A current support order for more than one child with no per child allocation declared.

- **Split custody child support order** - A current support order for more than one child addressing both parties in the case having custody of at least one of the children. Therefore, both parties have a child support obligation to each other. The net calculation of this order results in a current support order without a per child allocation.

- **Non-severable child support order** - A current support order for more than one child containing a per child breakdown. However, language on the court order has determined that the total child support amount will remain unchanged until the youngest child emancipates or child support is terminated by operation of law.

Please note that pursuant to Family Code § 92, "Family support means an agreement between the parents, or an order or judgment, that combines child support and spousal support without designating the amount to be paid for child support and the amount to be paid for spousal support" and is therefore not considered an unallocated child support order.

If the local child support agency (LCSA) cannot determine whether an order is allocated or unallocated, the LCSA should file a Notice of Motion to seek clarification from the court.

The Child Support Enforcement (CSE) system is designed to manage allocated child support orders based on a child level accounting structure. This design adheres with the intention of Family Code § 4055, which is to formulate child support and allocate per child in most cases.

Within CSE, LCSAs have the ability to continue managing unallocated current support orders and/or adjudicated arrears when child support is owed to one payee within a single case by following the process below:

- Total current child support and adjudicated arrears amounts will be associated to either:

  o the youngest child on the case or

  o the youngest child with a support obligation owed by the non custodial parent (NCP) (split custody order)

In general, adjudicated arrears associated to an allocated current support order do not declare a per child allocation. CSE requires a per child amount when entering arrears, therefore associating one amount to multiple children is not possible and should be handled using the following process:

- Total adjudicated arrears amount will be associated to the youngest child on the case.

If it becomes necessary, due to a change of circumstances, to have multiple payees (single or multiple case) associated to the unallocated current support order and/or adjudicated arrears, the following *interim* process allows LCSAs to manage these circumstances with no adverse impact to the family:

Total current child support and adjudicated arrears amounts will be either:

- o divided equally among all minor children on the case or

- o divided equally among all minor children on the order or

- o divided equally among all minor children on the order with a support obligation owed by the NCP (split custody order)

Please note that this is a temporary non-court ordered allocation until the order is modified to reflect an allocated child support order. Pursuant to Title 22 CCR section 115520, Review and Adjustment of Child Support Orders (R&A), LCSAs are permitted to seek a modification due to a change in circumstances.

If an unallocated order is allowed to remain as a non-court ordered allocation indefinitely, current support may terminate in error when children emancipate.   This may cause disruption to support payments to families and additional work to the LCSA. The purpose of requiring the Review and Adjustment (R&A) process is to minimize that workload and any possible impact to the families. Should a child emancipate prior to the completion of the R&A process for allocation, the LCSA will be required to re-divide equally the unallocated child support amount among the remaining minor children.

For Version 2 transitioned LCSAs, see the table in Attachment A that provides guidance on how to enter an unallocated order in CSE and how to allocate the order when it becomes necessary to do so. Please note that the Support Order Detail page must mirror the unallocated court order by selecting the "non-severable" check box for current support terms. Please use Charging Instructions to allocate the current child support as stated in Attachment A.

In CSE, adjudicated unallocated arrears will not mirror the court order because Support Arrears Detail Page requires a per child allocation.

Department of Child Support Services (DCSS) will provide a report for transitioned counties that lists potential cases with unallocated orders that may require clean up. DCSS will provide suggested instructions for the clean up of these cases along with the report. DCSS will not provide a clean up report to non-transitioned counties. Upon each subsequent wave conversion, a report will be generated for those newly converted counties.

For more information on entering a support order, please refer to the Quick Reference Guides (QRG), Entering a Support Order and Create and Update Case Accounts. All QRGs are available on the California Child Support Central Website at:

https://central.dcss.ca.gov

If you have any questions or concerns regarding this matter, please contact Preston Metzger with the Program Policy Branch at (916) 464-5883.

Sincerely,

/os/

BILL OTTERBECK
Deputy Director

Attachment

UNALLOCATED ORDER TYPE	CURRENT SUPPORT (Use Charging Instructions)	ADJUDICATED ARREARS (Enter in the Support Arrears Detail Page)
Blanket order – 1 payee on single case	Total amount associated to the youngest child	Total amount associated to the youngest child
Split custody order – 1 payee on single case	Net amount of the order associated to the youngest child with a support obligation owed by the NCP	Net amount of the order associated to the youngest child with a support obligation owed by the NCP
Non-severable order – 1 payee on single case	Total amount associated to the youngest child	Total amount associated to the youngest child
Blanket order – 2 or more payees on single case (mixed assistance status)	Total amount divided equally among all minor children on the case Proceed with R&A process	Total amount divided equally among all minor children on the case
Split custody order – 2 or more payees on single case (mixed assistance status)	Net amount of the order divided equally among all minor children with a support obligation owed by the NCP Proceed with R&A process	Net amount of the order divided equally among all minor children with a support obligation owed by the NCP
Non-severable order – 2 or more payees on single case (mixed assistance status)	Total amount divided equally among all minor children on the case Proceed with R&A process	Total amount divided equally among all minor children on the case
Blanket order – 2 or more payees on 2 or more IV-D cases (foster care or other custodial party)	Total amount divided equally among all minor children on the order Proceed with R&A process	Total amount divided equally among all minor children on the order
Split custody order – 2 or more payees on 2 or more IV-D cases (foster care or other custodial party)	There are too many variables in this scenario to provide allocation instructions. LCSAs should allocate the child support in a manner that would result in the least harm to the family. Proceed with R&A process	There are too many variables in this scenario to provide allocation instructions. LCSAs should allocate the child support in a manner that would result in the least harm to the family.
Non-severable order – 2 or more payees on 2 or more IV-D cases (foster care or other custodial party)	Total amount divided equally among all minor children on the order Proceed with R&A process	Total amount divided equally among all minor children on the order