

Department of Child Support Services



COUNTY OF SAN LUIS OBISPO



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Who we are

The San Luis Obispo Department of Child Support Services (DCSS) assists **ALL** parents and guardians with establishing and enforcing child support orders and manages record keeping for payments. DCSS is committed to providing the best support and outcome for children and families and takes pride in serving as the bridge of communication between parties.

DCSS operates within confines of mandates and regulations and with funding provided by the State and Federal government. The funding impacts DCSS' ability to perform specialized enforcement actions, which may include criminal contempt for failure to pay support or administering/facilitating Smith-Ostler orders.

A parent/guardian may seek private legal advice when DCSS cannot provide a specific answer, however they **must** notify DCSS immediately. If DCSS is not notified, amended orders may be null and void.

When represented by a private attorney, communications with DCSS must be directed through the attorney of record unless given authorization. Private attorneys may **not** duplicate efforts or enforcement actions and must notify DCSS in writing 30 days prior to acting. DCSS will reply within 30 days of receiving the notice, either consenting or objecting to that action. DCSS may object if they are already engaging in an ongoing enforcement action or investigation.

Note: if the children on the case are receiving public assistance, the child support case is required to remain open; however, the Department of Social Services (DSS) will be notified, and a sanction may be issued.

DCSS Processes

Intake/Case Opening

The first step to opening a case is to apply for services. Parties can apply online at www.childsup.ca.gov or contact the local office to request a paper application. Cases are opened within 20 business days from the date of application submission.

CalWorks recipients with an absent parent are automatically referred to DCSS for establishment of parentage and/or child support and need not apply for services. If there is an existing parentage and/or child support order, the case is referred to DCSS for collection of child support. CalWorks recipients will receive their grant amount plus the first \$100-\$200 collected by DCSS; this is also known as the “disregard” and is dependent on household size. CalWorks recipients **must** participate and cooperate with DCSS otherwise their grant may be reduced or rescinded.

Establishment of Parentage

Parentage is established when a child is born out of wedlock. This process is completed by both parties signing a Voluntary Declaration of Parentage (VDOP) form or through genetic testing. Establishing parentage is important and allows the child to receive certain benefits, including Social Security Benefits, if the parent becomes disabled or deceased before the child’s age of majority

Establishment of Child Support

DCSS initiates a Summons & Complaint and Proposed Judgement (SC/PJ) which must be personally served to the parent/guardian ordered to pay support. DCSS has 90 days to serve the parent and once served, DCSS attempts to resolve parentage and child support through an agreement, called a Stipulation for Judgment. If an agreement cannot be reached, DCSS will schedule the case for court and both parties will be required to participate and appear at the hearing.

Locating Parties

DCSS uses information on the application and from the intake interview to assist in parent location. All applicants are required to complete the intake interview process and information shared impacts the level of service DCSS can provide.

DCSS utilizes resources such as US Postal Service address verification, Accurant, CJIS, Vine link, Meds, Odyssey, DMV Query, The Work Number, and more which allow DCSS to verify addresses, income, assets, or other information.

The Child Support Enforcement (CSE) database initiates several automated locate tools. Below are a few of the automated notifications DCSS receives:

- o National Directory of New Hires (NDNH)
- o Employee Development Program (EDD)
- o Department of Motor Vehicles (DMV)
- o Federal Case Registry (FCR)
- o Federal Parent Locator Service (FPLS)
- o Franchise Tax Board (FTB)
- o Multistate Financial Institution Data Match (MSFIDM)

Modification

Court orders are eligible for a review at least once every three years unless there is a change in circumstance that effects the support amount by 20% or \$50, whichever is less. A change in income, visitation, or custody are typical circumstances that warrant an earlier review of the order. Cases with active CalWorks grants must have their court order reviewed once every three years, regardless of change in circumstance.

DCSS generates the necessary documents and sends to all parties for completion. Parties are expected to cooperate during the entire process, provide the required documentation, and appear in court if a hearing is necessary. Everything filed with the court becomes public record and if there is a history or concern of Domestic Violence, the party should immediately contact DCSS.

Enforcement of Child Support Order

DCSS does not have authority to enforce specific due dates or to pro-rate amounts.

DCSS is mandated by the State of California to issue Income Withholding Orders (IWOs) and National Medical Support Notices (NMSNs) on all cases they enforce. A “stay” of the IWO or NMSN may be possible, and the parties need to contact DCSS for an arrangement.

- o Employers must withhold the current support amount (plus an additional 25% toward arrears if applicable, or the court ordered liquidation rate). Withholding amount generally does not exceed 50% of disposable income. Parties may petition the court to request an order for the employer to withhold a higher percentage

- o Employers must enroll children in health insurance if it is available at a reasonable cost (MediCal is not a substitute for private health care coverage). Health care must be within 50 miles of the supported child(ren)’s home residence with costs not exceeding 50% of the person paying support’s gross income.

DCSS may collect current and/or past due spousal support if there is an existing order and if the child has not emancipated. Once the child emancipates, DCSS cannot collect spousal support. DCSS does not modify spousal support orders.

DCSS may collect owed medical expenses if the amount owed is reduced to a sum certain judgment. DCSS does not schedule medical expense matters for court but will refer parties to the Family Law Facilitator for assistance with this process.

Mandated Enforcement Actions

DCSS is mandated to perform the following on all open cases:

- o Credit Reporting
- o License suspensions or revocations such as CA DMV, professional and/or other license/credentials
- o Passport denial
- o Real Property Liens
- o IRS and Franchise Tax Board refund intercepts
- o Unemployment and Disability Benefit, Lottery winnings or other award intercepts
- o Bank Levies
- o Income Withholding Orders
- o National Medical Support Notices

Interstate and International Referral

DCSS will manage cases involving a parent living in another State or Country so long as there is reciprocity.

Financial Management

DCSS manages all financial records and performs financial audits. All payments for support must be sent to the California State Disbursement Unit (SDU) or processed through a child support Kiosk and may not be made directly to the other parent. If payments are not posted to the case by the last date of each month the case is considered delinquent.

Payments are disbursed by the SDU and sent to parties within 2 business days after the date of receipt; payments of a large sum may be held for ten business days before being released.

Discretionary Actions

DCSS has the authority to perform discretionary actions such as:

- o Stay of IWO
- o Stay of NMSN
- o State License Match System (SLMS) agreement
- o Releasing bank levies or property liens

Legal Actions When Parents Fail to Pay

Seek Work Order and Judgement Debtor's Exam: DCSS will pursue this action after 60 days of non-payment, so long as the location of the person paying support is known. The person paying support must reside within 150-mile radius to pursue a JDE.

Civil Contempt: Each case is different and depending on the circumstances and facts, this level of enforcement may be pursued. There must be a lawful support order, knowledge of the order, and failure to comply with the order. In addition, DCSS must have proof that the person paying support has the ability to pay.

Other Actions

Voidable Transactions: When a local child support agency (LCSA) learns of a transfer involving assets by an PPS under circumstances that create a prima facie case that the transfer was fraudulent, the LCSA must attempt to void the transfer or obtain a settlement in the best interest of the child.

Administrative Determination of Arrears: DCSS will initiate a review of arrears if requested. If parties do not agree with the findings, DCSS may set the matter for the court to review and make a determination.

Parties' Responsibilities

Both parties must cooperate with DCSS and are required to complete documents, many of which are signed under penalty of perjury. Parties must also notify DCSS within 10 days of any change in custody, whether permanent or temporary, and if the child emancipates, marries, or is deceased. Employment and address changes of the parties must also be reported promptly.

DCSS will determine what court or enforcement actions are pursued and reserves the right to take appropriate legal action if a party fails to pay child support. If either party fails to cooperate or sign all necessary legal documents, the case may be closed.

DCSS versus Private Representation

DCSS:

- o Does not represent the parent or child(ren)
- o Participants are not a legal client. Information is not confidential under attorney/client privilege
- o Case information may be disclosed to other public agencies that are authorized by law to receive such information
- o Cases are scheduled for court on set days and heard by a IV-D Commissioner
- o Cannot provide legal advice but may refer parties to community resources for additional support
- o \$35 annual fee may apply

Private Representation:

- o Provides legal advice and/or representation
- o Has ability to secure earlier court dates
- o May help with completing legal forms
- o Files documents with the court
- o Costs may vary