

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

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



July 31, 2019

CSSP LETTER: 19-07

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

SUBJECT: ADULT DISABLED CHILDREN

REFERENCE: OCSE AT-99-04 "Case Closure Criteria Final Rule, 45 CFR Part 303",
 and Family Code (FC) section 3910.

PURPOSE: This letter provides policy and direction to local child support agencies (LCSAs) regarding case opening, establishment, and enforcement of child support orders for adult disabled children.

POLICY: It is the Department of Child Support Services' policy that Title IV-D services must be provided for an adult disabled child if the child's disability is verified to have occurred prior to the age of majority, the child is incapacitated and unable to earn a living, and without sufficient means.

BACKGROUND: FC section 3910 provides the duty for parents to support an adult disabled child.

ACTION: LCSAs shall follow these directions when handling adult disabled child cases.

Establishment: Before opening a case the LCSA shall request that the applicant provide documentation to verify the child's disability occurred prior to the age of majority, the child is incapacitated and unable to earn a living, and without sufficient means. This documentation may be provided in the form of, but is not limited to: a court finding, disability benefit assessments, medical records, or special educational need assessments. LCSAs must have this documentation before filing a motion with the court and providing IV-D services.

If a claim of disability in an open child support case is investigated, evaluated, and determined to have sufficient grounds that necessitate the filing of a motion, the LCSA shall file the motion to extend support under FC section 3910. Obtaining a court finding as to whether the disability occurred prior to the age of majority will prevent LCSAs from having to investigate the claim, if the parent requests child support after the age of majority.

Reason for this Transmittal

- State Law, Regulation and/or Change
- Federal Law, Regulation Change
- Court Order or Settlement Change
- Clarification requested by One or More Counties
- Initiated by DCSS

CSSP Letter: 19-07
July 31, 2019
Page 2

Enforcement: If an applicant has obtained a child support order under FC section 3910 and needs enforcement services from the LCSA, they must continue to enforce the order past the age of majority. In order to provide these services, the LCSA must:

- Verify that the order states the disability occurred prior to the age of majority; or
- Request that the applicant provide documentation to verify the disability, as outlined above, occurred prior to the age of majority if the order does not address the disability.

Current spousal support orders must be enforced as long as the current child support obligation is also being enforced and the child(ren) lives with the parent who is owed support.

These cases are eligible for federal financial participation and should receive the full range of child support services. Case records should reflect the rationale for providing IV-D services and include all relevant documentation.

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

Sincerely,

o/s

VICKIE K. CONTRERAS
Deputy Director
Child Support Services Division