

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

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



December 4, 2008

CSS LETTER: 08-15

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

<u>Reason for this Transmittal</u>
<input type="checkbox"/> State Law or Regulation Change
<input type="checkbox"/> Federal Law or Regulation Change
<input type="checkbox"/> Court Order or Settlement Change
<input type="checkbox"/> Clarification requested by One or More Counties
<input checked="" type="checkbox"/> Initiated by DCSS

REFERENCE:

- Federal Certification Finding (M-29) 5.20 (c)
- FSD letter 89-16
- CSS Letter 04-30
- CSS Letter 06-16

SUBJECT: GENETIC TESTING FEE RECOVERY

The purpose of this letter is to review the Department of Child Support Services' (DCSS) current policy in regards to the recovery of Genetic Testing Fees and provide clarity to local child support Directors in implementing this policy directive.

EXISTING POLICY FOR COST AND FEE RECOVERY

California reaffirmed its decision to be a non-cost recovery state for the Title IV-D program, effective July 1, 1991 (as documented in FSD-89-16). The letter also stated that if the state elected to pursue the cost recovery option provided in Code of Federal Regulations, 45 CFR 302.33(d), that the method for the recovery of cost and fees must be implemented on a consistent statewide basis for all non-Temporary Assistance for Needy Families cases. The federal direction requires an "all or nothing" approach to the recovery of costs and fees. Although the initial direction from DCSS excluded costs related to genetic testing, additional direction was provided in CSS Letter 04-30 and CSS Letter 06-16 advising local child support agencies (LCSAs) to not pursue the recovery of genetic testing fees.

DCSS POLICY DETERMINATION

On June 19, 2008, DCSS was advised of a Federal Certification Finding (M-29) 5.20 Lack of Statewide Processes (c) *Some counties pay for Genetic Testing Fees and other counties charge the Non-Custodial Party.*

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DCSS has elected **not** to recover genetic testing fees in the IV-D program at this time. All counties currently collecting fees related to genetic testing shall cease recovery of these costs immediately. The exception to this policy is pursuant to Title 45 CFR §303.5(e)(3) which requires that “if a party contests the results of an original test, the IV-D agency *shall require the contestant to pay for the costs of any such additional testing in advance.*” In accordance with this section LCSAs shall collect these costs from the party in advance and record them on the Administrative Expense Claim 356, page 6, as specified in LCSA Letter 08-10.

Any funds converted into the Child Support Enforcement (CSE) system for the recovery of genetic testing fees or any funds received post-transition for the recovery of genetic testing fees currently reside in CSE on suspense. These funds must be released from suspense by a Central Financial Worker and applied per the distribution hierarchy. When all outstanding balances have been paid in full, any remaining funds will be refunded to the non-custodial parent.

If you have any other questions or comments about this letter, please contact Stacey Bell, in the Program Policy Branch at (916) 464-5883.

Sincerely,

/os/

BILL OTTERBECK
Deputy Director
Child Support Services Division

cc: David Oppenheim