

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

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



November 1, 2011

CSS LETTER: 11-13

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

SUBJECT: CASE STATUS WHEN A CUSTODIAL PARTY IS DECEASED

The purpose of this letter is to provide policy direction to local child support agencies (LCSAs) for case handling after verification that a custodial party (CP) is deceased. This direction is to ensure the policy is applied consistently and equitably throughout the state.

The Department of Child Support Services (DCSS) transfers court-ordered support and arrears payments from one private party to another via the State Disbursement Unit and is legally responsible for these disbursements. When a CP is deceased, current support and non-assigned arrears collections become a debt owed to an estate if one exists. Under Title IV, Part D of the Social Security Act (IV-D), continuing to collect on behalf of an estate is a non-IV-D activity.

Upon verification of the death of a CP where there are no assigned arrears, any collections on suspense or undistributed disbursements should be refunded to the non-custodial parent and case closure procedures should be initiated. If there are assigned arrears, any disbursements held should be applied to the assigned arrears. The case must remain open and collections should continue for assigned arrears only.

When the case closes, all enforcement activities are terminated. If a new party obtains legal guardianship of the child and requests IV-D services or a new IV-A referral is received; LCSAs should open a new case.

Procedures regarding this policy will be provided within two weeks of the release of this letter.

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

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If you have any questions or concerns regarding this matter, please contact Cindi Pocoroba at (916) 464-5883.

Sincerely,

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KAREN ECHEVERRIA
Acting Deputy Director
Child Support Services Division