

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

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



March 1, 2016

CSSP LETTER: 16-07

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

SUBJECT: COUNTY WELFARE DEPARTMENT SEMI-ANNUAL REPORTING AND
 IMPACTS TO THE DEPARTMENT OF CHILD SUPPORT SERVICES

Reference: All County Letter NO. 12-25 Dated May 17, 2012
 All County Letter 12-49 Dated September 27, 2012
 All County Information Notice NO. I-21-12 Dated April 23, 2012.

As a result of the passage of Assembly Bill 6 (Chapter 501, Statutes of 2011), the Department of Social Services issued All County Letter (ACL) NO. 12-25 requiring the replacement of its Quarterly Reporting system with the Semi Annual Reporting (SAR) system no later than October 1, 2013. The SAR system requires recipients of aid to report all eligibility factors to the County Welfare Department (CWD) every six months. Under SAR rules, counties shall only decrease or discontinue aid mid-period for certain, specified reasons. Any mid-period changes in household composition are considered voluntary reports and are not cause for decreasing the grant mid-period; therefore even if a parent voluntarily reports that their child left the home, counties must continue to aid the child on that case until the end of that SAR reporting period, unless the parent specifically requests discontinuance.

According to ACL 12-49:

- If the child and the custodial party (CP) are in receipt of a IV-A grant, the redetermination of benefits will occur every six months under SAR rules.
- Child only IV-A grant cases are required to report annually, as opposed to every six months, and are required to report any household composition changes within 10 days. If a child leaves the home, under annual reporting, they would be discontinued from aid effective the end of the month in which the change occurred.

Reason for this Transmittal

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

Under SAR rules:

- The CP is eligible to receive cash aid for the child until the next eligibility redetermination period, even if the child no longer resides in the household.
- A change of custody does not immediately trigger a change in the IV-A grant unless the CP requests discontinuance, the noncustodial parent (NCP) requests aid for the child in a different case, or if the child is removed from the home and placed in foster care.

For example, if the child on aid leaves the home of the CP to live with the NCP, the CP will still receive the IV-A grant amount for the child because SAR rules forbid eligibility workers from decreasing the grant amount based on a mid-period change in household composition until the end of the SAR reporting period. In situations where the CP does not discontinue the IV-A grant for the child(ren) and the child(ren) now resides with the NCP, the NCP is still obligated to comply with the current support order.

Title 22 California Code of Regulations (CCR) § 115520(a) states that a change in circumstance shall be considered a basis for a review and adjustment (R&A) in various scenarios. One of those scenarios is a change of custody, which is specifically listed under 22 CCR § 115520(a)(2). This is relevant for currently aided, formerly aided, and never assisted cases.

LCSAs have discretion to place an account hold and suppress enforcement actions when it deems a change of custody has taken place.

The actions taken by the local child support agency (LCSA) depend on the scenario:

- If custody changes during the establishment phase, the case shall go to court to obtain an order for parentage. The NCP should complete an Answer to Complaint or Supplemental Complaint Regarding Parental Obligations.
- If custody changes during the establishment phase and paternity is not at issue, the case shall go to court to obtain an order for support. The NCP should complete an Answer to Complaint or Supplemental Complaint Regarding Parental Obligations.
- If the NCP applies for a IV-A grant for the child, the eligibility worker will evaluate and potentially discontinue aid for the CP. All County Information Notice NO. I-21-12 discusses steps the CWD is to take in evaluating this scenario.
- If the NCP and CP agree to the date the change of custody occurred, a stipulation may be prepared by the LCSA and filed by the courts. The stipulation can only

change the child support amount prospectively. The LCSA has discretion in determining if the CP's signature is needed.

- If the NCP requests to open a child support case, the LCSA must seek a review and adjustment. The LCSA should attempt to determine the date custody changed for each dependent and indicate this when filing the motion.
- If the NCP does not open a child support case and the LCSA becomes aware of the change in custody, the LCSA will initiate an R&A. During the review, the LCSA will attempt to verify the change in custody and, if available, provide the date of the custody change when filing the motion.

If you have any questions 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