

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

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



July 8, 2009

CSS LETTER: 09-07

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

SUBJECT: STATEWIDE LICENSE RELEASE PROCESS AND INTER-COUNTY
 COMMUNICATION OF LICENSE RELEASE DETERMINATIONS

REFERENCE: CSS LETTER 07-14; CSS LETTER 06-23

This letter supersedes and repeals the portions of Child Support Services (CSS) Letter 07-14 and CSS Letter 06-23 which require the non-custodial parent (NCP) to negotiate a license release from each county that submitted the NCP for suspension.

The statewide implementation of the Child Support Enforcement (CSE) system creates an opportunity for instituting business process changes to improve customer service as well as providing for the more efficient use of local child support agencies (LCSA) resources. The purpose of this letter is to notify LCSAs of changes to the process for issuing license releases.

The statewide license release guidelines established by CSS Letter 07-14 remain in effect and LCSAs should continue to evaluate the NCP's case(s) in accordance with the guiding principle for the release of licenses. However, the NCP may contact any LCSA to request a license release for each of his or her cases even if the contacted LCSA does not have Case Management Responsibility for each specific case.

The contacted LCSA must review all of the NCP's cases to determine whether a license release is appropriate considering any pending legal actions as well as the guidelines provided in CSS Letter 07-14. This includes a review of any worker alert messages posted on the NCP's case(s).

The contacted LCSA must also communicate the license release determination to the LCSA License Release Coordinator of each county that placed a license hold. The communication may be via electronic mail, facsimile transmission or telephone. This process does not replace local business procedures developed and implemented by an LCSA for releasing licenses where all of the obligor's case(s) are managed by the contacted LCSA.

The specific circumstances of the case(s) may require additional discussion with each impacted LCSA to determine whether a license release should be issued. The LCSA License Release Coordinator of the contacted LCSA is responsible for coordinating with the other impacted LCSAs to determine the appropriate disposition of the license release request. The final determination regarding the license release request will be made by the contacted LCSA.

Factors that the LCSA should take into consideration in making the final determination include the following:

- A court hearing is pending and one of the issues before the court is the license release.
- The LCSA has determined that license suspension is the only effective enforcement remedy against the NCP.
- The NCP has a pending Penal Code Sections 270/271 criminal prosecution for failure to pay support where the terms of NCP's criminal diversion or probation mirror the pre-existing civil terms.

Each LCSA must designate a primary and secondary individual as the LCSA License Release Coordinator. The list of LCSA License Release Coordinators is available on the California Child Support Central web-site under "Contact Lists." The LCSA License Release Coordinator provides a single point of contact for the communication of the license release determination to each county that placed a license hold. The LCSA License Release Coordinator contact list will replace the State Licensing Information Match System contact list that is currently available on the California Child Support Central web-site.

License Release Agreement or Stipulation and Order

The contacted LCSA may enter into an informal agreement to pay (on each of) the obligor's case(s) if the LCSA determines that there is no court ordered monthly payment for arrears on any of the obligor's cases or that the obligor is able to increase his or her payment for arrears. The contacted LCSA shall notify the LCSA License Release Coordinator for each of the impacted LCSA(s) regarding the repayment terms of the informal agreement.

If it is determined that a Stipulation and Order is necessary to modify the arrears repayment terms for one or more of the NCP's cases, the NCP will be advised that each LCSA with a license hold is responsible for preparing their own Stipulation and Order, obtaining necessary signatures, filing and processing the order. An informal agreement

cannot be used to reduce a court ordered monthly arrears payment and cannot modify current support. The contacted LCSA shall notify the LCSA License Release Coordinator for each impacted county regarding this determination.

Court Ordered Release After Hearing

Under Family Code section 17520(j) the NCP may file a request for judicial review of the LCSA's decision to **not** issue a license release in the appropriate local Superior Court venue. Upon receipt of a court order to release the NCP's license, the contacted LCSA must issue a license release for each of the NCP's cases and notify the LCSA License Release Coordinator of each county that placed a license hold.

Although, the court cannot order a license release on a court case outside of its jurisdiction, the finding of the court that an NCP's license needs to be released should be honored statewide. In addition, it is the responsibility of the LCSA appearing in court to ensure that all pertinent facts regarding the NCP's statewide obligations and payment history are presented.

Attached is the CSE License Release Procedures table that provides detailed instructions for managing the license releases in CSE. The "Generating a License Release" Quick Reference Guide (QRG) will also be updated to include the instructions provided in the attachment. The LCSAs will be notified of the QRG updates when they are completed. In addition, the License Release Management System (LRMS), for license releases to the Department of Motor Vehicles, has been modified so that each LCSA has permission to view and update statewide data contained in LRMS.

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

Sincerely,

/os/

BILL OTTERBECK
Deputy Director

CSE LICENSE RELEASE PROCEDURES

STEP	DEPARTMENT OF MOTOR VEHICLES (DMV)	LICENSING BOARDS OTHER THAN DMV	LICENSE RELEASE AGREEMENT	COURT ORDERED LICENSE RELEASE AFTER HEARING
1	Review the NCP's Participant Financial Overview Page to verify that the obligor has Open IV-D cases for one or more LCSAs.	Review the NCP's Participant Financial Overview Page to verify that the obligor has Open IV-D cases for one or more LCSAs.	Obligor agrees to an arrears payment amount as a condition of obtaining the license release for each case(s) and it is no less than any court ordered arrears repayment amount.	Generate NCP Letter – Drivers License Denial (FS-ENF-002) notifying the NCP that the license release request is denied.
2	Review the License Suspension/Revocation Detail or the Case Enforcement Overview page of each case to determine which cases were submitted for license suspension.	Review the License Suspension/Revocation Detail or the Case Enforcement Overview page of each case to determine which cases were submitted for license suspension.	Generate a License Release Agreement (FS-ENF-130) for each case(s) with the agreed upon arrears repayment terms and obtain the obligor's signature.	Process NCP's motion requesting a judicial review of the denial in accordance with local business practices.
3	Generate the State License Release (FS-ENF-102) and provide the DCSS 0517 State License Release (NCP Copy) to the NCP for each case(s).	Generate the State License Release (FS-ENF-102) and provide the DCSS 0517 State License Release (NCP Copy) to the NCP for each case(s).	Notify the LCSA License Release Coordinator for each impacted LCSA of the arrears repayment terms agreed upon.	Generate and file a Responsive Declaration, including information regarding all of the NCP's case(s).
4	Update LRMS with the license release information for each LCSA. If the obligor has multiple cases in one LCSA, the license release information is only input once for the LCSA.	Send the DCSS 0253 State License Release for each case to the appropriate state licensing board.	Follow the license release procedures steps 3 through 5 (DMV) OR steps 3 through 4 (Other than DMV) for issuing the license release.	Process court's order after hearing to release the NCP's license in accordance with local business practices.
5	DCSS Operations generates a daily report from LRMS which is provided to DMV with the list of license release by county.	Add a Participant Activity Log entry for the NCP specifying the communication with the impacted LCSAs and the conditions the NCP met to obtain the release.	Add a Participant Activity Log entry for NCP specifying the communication with the impacted LCSAs and the conditions for obtaining the license release.	Notify the LCSA License Release Coordinator for each impacted LCSA of the court's order.
6	Add Participant Activity Log entry for the NCP specifying the communication with the impacted LCSA and the conditions the NCP met to obtain the release.	Each LCSA monitors its case(s) for compliance in accordance with local business practices.	Modify the Arrears Payback amount for the Income Withholding Order (IWO) and/or generate the IWO to the employer as appropriate.	Follow the license release procedures steps 3 through 5 (DMV) OR steps 3 through 4 (Other than DMV) for issuing the license release.
7	Each LCSA monitors its case(s) for compliance in accordance with local business practices.		Each LCSA monitors its case(s) for compliance in accordance with local business practices.	Add a Participant Activity Log entry for the NCP regarding the court's order.