

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

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



November 29, 2006

CSS LETTER: 06-39

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

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

SUBJECT: CASE OPENING WHEN THE NONCUSTODIAL PARENT IS DECEASED

This provides instruction regarding case opening for IV-A referrals when a noncustodial parent (NCP) is deceased. This policy supersedes case opening requirements specified in the California Code of Regulations § 112100(e) for deceased NCPs only.

Family Code § 17415(a) requires the county welfare department to refer all cases to the local child support agency (LCSA) in which a parent is absent from the home, or in which the parents are unmarried and parentage has not been established. However, the attached California Department of Social Services (CDSS) Eligibility and Assistance Standards (EAS) Manual § 82-504 exempt cases from referral to the Child Support Enforcement Program when one or both of the natural or adoptive parents are deceased.

If the NCP is deceased at the time of the referral, the LCSA shall not open a case. The LCSA may refer the county welfare department to CDSS EAS Manual § 82-504 which specifies the exception criteria for child support referrals.

If you have any questions or concerns regarding this matter, please contact the Department of Child Support Services Policy Branch at (916) 464-5055. If you have additional policy questions, please send an email to policy.branch@dcss.ca.gov.

Sincerely,

/s/

DEBRA SANCHEZ
Acting Deputy Director
Child Support Services Division

Attachment

cc: California Department of Social Services

**CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
ELIGIBILITY AND ASSISTANCE STANDARDS
CHILD SUPPORT ENFORCEMENT PROGRAM REGULATIONS**

82-504 ASSISTANCE UNITS SUBJECT TO THE PROVISIONS
OF THE CHILD SUPPORT ENFORCEMENT PROGRAM

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| .1 | Applicability | All assistance units (AUs) are subject to the provisions of the Child Support Enforcement Program and the requirements of this section except those in which: |
| .11 | Married Parents | Both married natural or adoptive parents of the child for whom aid is requested or received reside in the home with the child, or |
| .12 | One or Both Parents Deceased | One or both natural or adoptive parents are deceased, or |
| .13 | Paternity Established | Both unmarried parents are living in the home and paternity has been legally established. |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.
Reference: Section 11476, Welfare and Institutions Code.