

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

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



April 2, 2012

ERRATA

CSS LETTER: 11-12

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

SUBJECT: CREDITING FEDERAL DERIVATIVE BENEFIT PAYMENTS

REFERENCE: CSS LETTER 11-12 CREDITING FEDERAL DERIVATIVE BENEFIT
PAYMENTS, ATTACHMENT I

This errata is to inform Local Child Support Agencies that "Attachment I" of Child Support Services (CSS) Letter 11-12 contains an error. The first bulleted paragraph in the parentheses incorrectly states: "the monthly guideline support amount minus the monthly derivative benefit payment amount". It has been revised for accuracy to state: "the monthly derivative benefit payment amount minus the monthly guideline support amount". This corrected version of "Attachment I" supersedes the attachment contained in CSS Letter 11-12 dated September 7, 2011.

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

Sincerely,

/os/

VICKIE CONTRERAS
Deputy Director
Child Support Services Division

Attachment I

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

ATTACHMENT I

SAMPLE LANGUAGE (I) DERIVATIVE BENEFIT MODIFICATION

The minor child(ren) is receiving, or is eligible to receive, derivative benefit (family) payments in the amount of \$ XXXX. The guideline support amount is \$ XXXX. Pursuant to Family Code Section 4504, the obligee shall apply for, and obligor shall receive credit for, derivative benefit payments paid to dependent child(ren).

(Use one of the bulleted paragraphs below as applicable.)

- The derivative benefit payment amount is greater than the guideline support amount. The monthly current support obligation is fully satisfied by the derivative benefit payment amount. The excess derivative benefit payment amount of \$ XXXX (the monthly derivative benefit payment amount minus the monthly guideline support amount) shall be credited toward existing arrears. If no arrears exist no credit shall otherwise be given (i.e., no overpayment of support shall be created).
- The derivative benefit amount is less than the guideline support amount. The Local Child Support Agency (LCSA) shall enforce the amount of the difference of \$ XXXX per month so as to satisfy the monthly current support obligation.

Derivative benefit payments received on behalf of the minor child(ren) prior to the effective date of this modification shall be applied towards any previous court ordered amount as required by law. Should either party provide documentation of a change in the derivative benefit payment amount, the LCSA will administratively adjust the amount of current support enforced, and/or the amount of credit toward any accrual of arrears. Adjustments made by the LCSA to the enforceable child support obligation shall include Cost of Living Adjustments (COLAs), or any other adjustment, to the derivative benefit payment amount.

Both the obligor and the obligee are required to contact the LCSA within 10 days of receiving information that the obligor and/or minor child(ren) will no longer be eligible to receive derivative benefits.