

Introduced by Senator Harman

February 15, 2008

An act to amend Section 17524 of the Family Code, relating to child support.

LEGISLATIVE COUNSEL'S DIGEST

SB 1255, as amended, Harman. Child support: arrearages.

Existing law provides that upon making an application to the local child support agency for child support enforcement services, every applicant shall be requested to give the local child support agency a statement of arrearages stating whether any support arrearages are owed. If the applicant alleges arrearages are owed, the statement shall be signed under penalty of perjury.

This bill would revise the latter provision to provide, instead, that if the applicant alleges arrearages are owed, the applicant shall sign the statement of arrearages under penalty of perjury, *and the agency shall serve it on the obligor and file it with the court, and serve it on the obligor.* ~~By creating new duties for local child support agencies, this bill would impose a state-mandated local program.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17524 of the Family Code is amended
2 to read:
3 17524. (a) Upon making application to the local child support
4 agency for child support enforcement services pursuant to Section
5 17400, every applicant shall be requested to give the local child
6 support agency a statement of arrearages stating whether any
7 support arrearages are owed. If the applicant alleges arrearages
8 are owed, the applicant shall sign the statement of arrearages under
9 penalty of perjury, *and the agency shall serve it on the obligor and*
10 *file it with the court, and serve it on the obligor. court.*
11 (b) For all cases opened by the district attorney or local child
12 support agency after December 31, 1995, the local child support
13 agency shall enforce only arrearages declared under penalty of
14 perjury pursuant to subdivision (a), arrearages accrued after the
15 case was opened, or arrearages determined by the court in the child
16 support action. Arrearages may be determined by judgment, noticed
17 motion, renewal of judgment, or registration of the support order.
18 (c) For all cases opened by the district attorney on or before
19 December 31, 1995, the local child support agency shall enforce
20 only arrearages that have been based upon a statement of arrearages
21 signed under penalty of perjury or where the local child support
22 agency has some other reasonable basis for believing the amount
23 of claimed arrearages to be correct.
24 SEC. 2. *If the Commission on State Mandates determines that*
25 *this act contains costs mandated by the state, reimbursement to*
26 *local agencies and school districts for those costs shall be made*
27 *pursuant to Part 7 (commencing with Section 17500) of Division*
28 *4 of Title 2 of the Government Code.*

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