

AMENDED IN SENATE AUGUST 17, 1999
AMENDED IN SENATE JULY 12, 1999
AMENDED IN SENATE JUNE 23, 1999
AMENDED IN ASSEMBLY APRIL 5, 1999
AMENDED IN ASSEMBLY MARCH 25, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 472

Introduced by Assembly Member Aroner

February 18, 1999

An act to amend Sections 10950, 10951, 10963, 11475.1, 11475.5, and 11478.2 of, and to add Section 11356.5 to, the Welfare and Institutions Code, relating to child support.

LEGISLATIVE COUNSEL'S DIGEST

AB 472, as amended, Aroner. Public assistance: child support services.

(1) Existing law sets forth conditions under which any dissatisfied applicant for or recipient of public social services is accorded an opportunity for a state hearing.

This bill would require a custodial or noncustodial parent to be accorded an opportunity for a state hearing when any one or more of certain actions or failures to take action by the department or a state or county agency related to child support is claimed by the parent, and would require a district attorney to institute a dispute resolution process for these

cases. These provisions would only be implemented to the extent that there is federal financial participation available.

The bill would require state and county agencies to comply with these hearing decisions.

Since the bill requires each county to participate in these fair hearings, the bill would constitute a state-mandated local program.

~~Existing~~

(2) *Existing* law requires the district attorney in each county to attempt to enforce child support orders in cases where the custodial parent is a California Work Opportunity and Responsibility to Kids (CalWORKs) recipient.

This bill would require the State Department of Social Services and the ~~counties~~ *Alameda County* agency to offer, during the period of October 1, 2000, through March 31, 2001, a one-time child support amnesty *pilot* program pursuant to which every individual *under the jurisdiction of Alameda County* who has a current child support order and a child support arrearage owed to the state for reimbursement of CalWORKs benefits that, as of January 1, 1999, exceeds \$5,000 is given an opportunity to have all or a portion of that arrearage forgiven, in accordance with a contract that would be required to contain specified provisions.

Because the bill would impose requirements upon ~~each county~~ *Alameda County*, the bill would constitute a state-mandated local program.

~~(2)~~

(3) Existing law requires the department to publish a booklet describing the proper procedures and processes for the collection and payment of child and spousal support. Existing law requires the district attorney to provide certain notice to recipients of child and spousal support services.

This bill would require that notice of, and information about, the child support services hearings available under the bill be provided by the district attorney in a manner specified by the bill, included in the booklet published by the department, and included in or with various forms used in actions to enforce child and spousal support obligations, to the extent federal financial participation is available.

~~(3)~~



(4) Under existing law, it is a crime for a parent of a minor child to willfully omit, without lawful excuse, to furnish necessary clothing, food, shelter, or medical attendance, or other remedial care for his or her child.

This bill would provide that the decision of a district attorney to proceed or decline to proceed against a parent under this provision shall not be subject to review in any state hearing, as described in the bill.

The

(5) *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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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: yes. State-mandated local program: yes.

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

- 1 SECTION 1. (a) The Legislature finds and declares
- 2 all of the following:
- 3 (1) California’s children rely on the regular payment
- 4 of child support to meet their basic needs and living
- 5 expenses, including food, clothing, and shelter.
- 6 (2) There is over \$8,000,000,000 in uncollected child
- 7 support payments in California.
- 8 (3) Only 17 percent of families who look to the state for
- 9 assistance in collecting child support receive any child
- 10 support collections.
- 11 (4) Large child support arrearages often keep
- 12 noncustodial parents from regularly paying current child
- 13 support and participating in their children’s lives.



1 (5) A child support amnesty program that forgives
2 child support arrearages owed to the state for welfare
3 debt and is conditioned on meeting current child support
4 obligations *should be tested to determine if it will*
5 increase the payment of current child support, increase
6 the participation of noncustodial parents in the lives of
7 their children, and assist in lifting children out of poverty.

8 (b) It is the intent of the Legislature to do all of the
9 following:

10 (1) Create a one-time child support amnesty ~~program~~
11 *pilot program in Alameda County* that gives noncustodial
12 parents with child support arrearages owed to the state
13 the opportunity to have those arrearages forgiven,
14 provided that the noncustodial parent remains current
15 on all future child support payments.

16 (2) Create a one-time child support amnesty ~~program~~
17 *pilot program in Alameda County* that will reduce
18 poverty among children who receive or have received
19 public assistance by increasing the amount and
20 consistency of child support collections.

21 (3) Create a one-time child support amnesty ~~program~~
22 *pilot program in Alameda County* to assist noncustodial
23 parents in assuming a larger role in their children's lives
24 by providing not only financial but also emotional
25 support.

26 SEC. 2. Section 10950 of the Welfare and Institutions
27 Code is amended to read:

28 10950. (a) If any applicant for or recipient of public
29 social services is dissatisfied with any action of the county
30 department relating to his or her application for or
31 receipt of public social services, if his or her application
32 is not acted upon with reasonable promptness, or if any
33 person who desires to apply for public social services is
34 refused the opportunity to submit a signed application
35 therefor, and is dissatisfied with that refusal, he or she
36 shall be accorded an opportunity for a state hearing.

37 (b) A custodial or noncustodial parent shall be
38 accorded an opportunity for a state hearing when any one
39 or more of the following actions or failures to take action
40 by the department or a state or county agency operating



1 pursuant to Section 11350.1 or 11475.1 is claimed by the
2 parent:

3 (1) An application for child support services has been
4 denied or has not been acted upon within the required
5 timeframe.

6 (2) The child support services case has been acted
7 upon in violation of state or federal law or regulation or
8 department letter ruling, or has not yet been acted upon
9 within the required timeframe, including services for the
10 establishment, modification, and enforcement of child
11 support orders and child support accountings.

12 (3) Child support collections have not been
13 distributed or have been distributed or disbursed
14 incorrectly, or the amount of child support arrears, as
15 calculated by the department or a state or county agency
16 operating pursuant to Section 11350.1 or 11475.1, is
17 inaccurate. The amount of the court order for support,
18 including current support and arrears, is not subject to a
19 state hearing under this section.

20 (4) The child support agency's decision to close a child
21 support case.

22 (c) Hearings under subdivision (b) shall be provided
23 in the same manner in which hearings are provided with
24 respect to an application for, or receipt of, other public
25 social services under this section. Pendency of a state
26 hearing shall not affect the obligation to comply with an
27 existing support order.

28 (d) Each district attorney shall establish a complaint
29 resolution process. The department shall specify, by
30 regulation, uniform forms and procedures that each
31 district attorney shall use in resolving complaints
32 received from custodial and noncustodial parents. A
33 complaint shall be made within 90 days after the custodial
34 or noncustodial parent affected knew or should have
35 known of the child support case action complained of.
36 The district attorney shall provide a written resolution of
37 the complaint within 30 days of the receipt of the
38 complaint. Prior to requesting a hearing pursuant to
39 subdivision (b), the custodial or noncustodial parent shall
40 exhaust the complaint resolution process, unless the



1 district attorney has not, within the 30-day period
2 required by this subdivision, submitted a written
3 resolution of the complaint. If the custodial or
4 noncustodial parent does not receive that timely written
5 resolution or is dissatisfied with the resolution of the
6 complaint, he or she may request a hearing pursuant to
7 subdivision (b).

8 (e) Subdivisions (b), (c), and (d) shall be
9 implemented only to the extent that there is federal
10 financial participation available at the child support
11 funding rate set forth in paragraph (2) of subsection (a)
12 of Section 655 of Title 42 of the United States Code.

13 (f) A request for a state hearing may be made in
14 person or through an authorized representative, without
15 the necessity of filing a claim with the board of
16 supervisors, by filing a request with the department or
17 the State Department of Health Services, whichever
18 department administers the public social service.

19 (g) Priority in setting and deciding cases shall be given
20 in those cases in which aid or services are not being
21 provided pending the outcome of the hearing. This
22 priority shall not be construed to permit or excuse the
23 failure to render decisions within the time allowed under
24 federal and state law.

25 (h) Notwithstanding any other provision of this code,
26 there is no right to a state hearing when either of the
27 following circumstances exists:

28 (1) State or federal law requires automatic grant
29 adjustments for classes of recipients unless the reason for
30 an individual request is incorrect grant computation.

31 (2) The sole issue is a federal or state law requiring an
32 automatic change in services or medical assistance which
33 adversely affects some or all recipients.

34 (i) (1) For the purposes of administering health care
35 services and medical assistance, the State Director of
36 Health Services shall have those powers and duties
37 conferred on the Director of Social Services by this
38 chapter to conduct state hearings in order to secure
39 approval of a state plan under applicable federal law.



1 (2) The State Director of Health Services may
2 contract with the State Department of Social Services for
3 the provision of state hearings in accordance with this
4 chapter.

5 (j) Any child support determination that is subject to
6 the jurisdiction of the superior court and that is required
7 by law to be addressed by motion, order to show cause, or
8 appeal under the Family Code or this code shall not be
9 subject to a state hearing under this section. The director
10 shall, by regulation, specify and exclude from the subject
11 matter jurisdiction of state hearings provided under
12 subdivision (b), grievances arising from a child support
13 case in the superior court which must, by law, be
14 addressed by motion, order to show cause, or appeal
15 under the Family Code or this code.

16 (k) As used in this chapter, “recipient” means an
17 applicant for or recipient of public social services,
18 including child support services, except aid exclusively
19 financed by county funds or aid under Article 1
20 (commencing with Section 12000) to Article 6
21 (commencing with Section 12250), inclusive, of Chapter
22 3 of Part 3, and under Article 8 (commencing with
23 Section 12350) of Chapter 3 of Part 3, or those activities
24 conducted under Chapter 6 (commencing with Section
25 18350) of Part 6, and shall include any individual who is
26 an approved adoptive parent, as described in subdivision
27 (c) of Section 8708 of the Family Code, and who alleges
28 that he or she has been denied or has experienced delay
29 in the placement of a child for adoption solely because he
30 or she lives outside the jurisdiction of the department.

31 (l) The decision of a district attorney to proceed or to
32 decline to proceed under Section 270 of the Penal Code,
33 or seek or not seek contempt charges, shall not be subject
34 to review in a hearing under this section.

35 (m) For the purposes of this section, a superior court
36 is not a state or county agency operating pursuant to
37 Section 11350.1 or 11475.1.

38 SEC. 3. Section 10951 of the Welfare and Institutions
39 Code is amended to read:



1 10951. (a) No person shall be entitled to a hearing
2 pursuant to this chapter unless he or she files his or her
3 request for that hearing within 90 days after the order or
4 action complained of.

5 (b) A hearing shall be provided under subdivision (b)
6 of Section 10950 when the request for a hearing is made
7 within 90 days after receiving the written notice of
8 resolution provided in subdivision (d) of Section 10950 or,
9 if no written notice is provided within 30 days from the
10 date the complaint was made, within 90 days after making
11 the complaint.

12 SEC. 4. Section 10963 of the Welfare and Institutions
13 Code is amended to read:

14 10963. The county director and a state or county
15 agency acting pursuant to Section 11350.1 or 11475.1 shall
16 comply with, and execute, every decision of the director
17 rendered pursuant to this chapter.

18 SEC. 5. Section 11356.5 is added to the Welfare and
19 Institutions Code, to read:

20 11356.5. (a) The department and ~~each of the county~~
21 ~~agencies~~ *the Alameda County agency* operating pursuant
22 to Section 11350.1 or 11475.1 shall offer, during the period
23 of October 1, 2000, through March 31, 2001, a one-time
24 child support amnesty program pursuant to which every
25 individual *for whom the Alameda County agency is*
26 *responsible for collecting child support and* who has a
27 current child support order *pursuant to a case under the*
28 *jurisdiction of the Alameda County agency* and a child
29 support arrearage owed to the state for reimbursement
30 of aid under this chapter that, as of January 1, 1999,
31 exceeds five thousand dollars (\$5,000) is given an
32 opportunity to have all or a portion of that arrearage
33 forgiven. Any individual *for whom the Alameda County*
34 *agency is responsible for collecting child support and* who
35 requests that a child support arrearage be forgiven shall,
36 during the period of October 1, 2000, through March 31,
37 2001, enter into a contract with the department and the
38 ~~county~~ *Alameda County* agency operating pursuant to
39 Section 11350.1 or 11475.1 that contains all of the following
40 provisions:



1 (1) The obligor shall remain current with all future
2 child support obligations owed by the obligor regardless
3 of whether the child support arrearage was incurred for
4 the child for whom current support is ordered.

5 (2) If the obligor fails to make payments on all current
6 support obligations for more than 60 days, the qualifying
7 child support arrearages, and any interest that would
8 have otherwise accrued, shall not be forgiven and shall be
9 immediately enforceable upon notice to the obligor.

10 (3) The qualifying child support arrearages sought to
11 be forgiven shall only be forgiven upon the expiration of
12 all existing child support orders and a showing that there
13 are no child support arrearages that have accrued after
14 the date the contract was signed.

15 (4) The department and the ~~county~~ *Alameda County*
16 agency operating pursuant to Section 11350.1 or 11475.1
17 shall take no action to recover the qualifying child
18 support arrearages or subject the obligor to any penalties
19 or sanctions on the qualifying child support arrearages as
20 long as the obligor is making current child support
21 payments.

22 (5) Only child support arrearages that are owed to the
23 state as reimbursement under state and federal law shall
24 be eligible to be forgiven and that any child support
25 arrearages that are owed directly to a family will not be
26 forgiven and will be enforced.

27 (6) Any other provision that the department
28 determines to be necessary to effectuate the
29 requirements of this section.

30 (b) The department shall, by adoption of regulations,
31 establish a sliding scale formula that takes into
32 consideration the total amount of child support arrearage
33 owed and the period remaining on any existing child
34 support order to determine whether all or a portion of a
35 child support arrearage may be forgiven under this
36 section. The department and the ~~county~~ *Alameda*
37 *County* agency operating pursuant to Section 11350.1 or
38 11475.1 shall determine the amount of the child support
39 arrearage that may qualify to be forgiven under this
40 section pursuant to the sliding scale formula. The purpose



1 of the formula is to ensure that large child support
2 arrearages owed to the state are not forgiven when the
3 benefit to the custodial parent family of current support
4 payments may be minimal.

5 (c) The department and the ~~county~~ agencies Alameda
6 County agency operating pursuant to Section 11350.1 or
7 11475.1 shall jointly develop a public awareness campaign
8 by July 1, 2000, to publicize ~~statewide~~ countywide the
9 availability of the child support forgiveness program and
10 how to make application for the program. *The Alameda*
11 *County agency may also attempt to notify those persons*
12 *who meet the requirements of subdivision (a), who*
13 *reside outside of Alameda County, and for whom the*
14 *Alameda County agency is responsible for collecting*
15 *child support pursuant to a case under the jurisdiction of*
16 *the Alameda County agency. However, the Alameda*
17 *County agency shall take any measures, as required, to*
18 *ensure that persons who reside outside the county or*
19 *whose cases are under the jurisdiction of another county*
20 *do not transfer a case to Alameda County for the purposes*
21 *of participating in the pilot project authorized by this*
22 *section.*

23 (d) The ~~county~~ Alameda County agency operating
24 pursuant to Section 11350.1 or 11475.1 shall promptly file
25 with the court a copy of the contract entered into
26 pursuant to subdivision (a) and a copy of any notice
27 issued pursuant to paragraph (2) of subdivision (a).

28 (e) The department shall conduct an evaluation and
29 issue a report no later than December 31, 2003. *The*
30 *department shall consult with the Legislative Analyst's*
31 *office regarding the design of the evaluation to ensure*
32 *that the study adequately assesses the information*
33 *requested in this subdivision. The report shall include all*
34 *of the following:*

35 (1) The number of individuals who request that their
36 arrearage be forgiven, *the number whose child support*
37 *is forgiven, and the amount forgiven.*

38 ~~(2) Of those who request that their arrearage be~~
39 (2) *Of those whose arrearages were forgiven, the*
40 *number of individuals who have continued to pay all*



1 current child support obligations *compared with the*
2 *expected number absent the pilot program.*

3 (3) The amount of current child support collected
4 ~~from those who have requested that their arrearage be~~
5 ~~forgiven.~~

6 ~~(4) Of those who request that their arrearage be from~~
7 ~~those whose child support arrearage was forgiven, in part~~
8 ~~or in whole, compared with the amount expected to be~~
9 ~~collected absent the pilot program.~~

10 (4) *Of those whose arrearages that were in part or in*
11 *whole* forgiven, the number of individuals who have
12 failed to make payments on all current child support
13 obligations.

14 (5) Whether the *pilot* program has increased the
15 well-being of children and families.

16 (6) Whether the *pilot* program has increased the
17 involvement of noncustodial parents in their children's
18 lives.

19 (7) Any other information the department deems
20 appropriate to determine the effectiveness of the *pilot*
21 program.

22 (f) The department shall apply to the federal
23 government for any waivers necessary to implement this
24 section.

25 (g) This section shall not become operative unless the
26 Director of Social Services finds that the federal
27 government has granted all waivers necessary for
28 implementation.

29 SEC. 6. Section 11475.1 of the Welfare and Institutions
30 Code is amended to read:

31 11475.1. (a) Each county shall maintain a single
32 organizational unit located in the office of the district
33 attorney which shall have the responsibility for promptly
34 and effectively establishing, modifying, and enforcing
35 child support obligations, including medical support,
36 enforcing spousal support orders established by a court of
37 competent jurisdiction, and determining paternity in the
38 case of a child born out of wedlock. The district attorney
39 shall take appropriate action, both civil and criminal, to
40 establish, modify, and enforce child support and, when



1 appropriate, enforce spousal support orders when the
2 child is receiving public assistance, including Medi-Cal,
3 and, when appropriate, may take the same actions on
4 behalf of a child who is not receiving public assistance,
5 including Medi-Cal. The district attorney shall refer all
6 child support delinquencies to the Franchise Tax Board
7 pursuant to Section 19271 of the Revenue and Taxation
8 Code.

9 (b) Actions brought by the district attorney to
10 establish paternity or child support or to enforce child
11 support obligations shall be completed within the time
12 limits set forth by federal law. The district attorney's
13 responsibility applies to spousal support only where the
14 spousal support obligation has been reduced to an order
15 of a court of competent jurisdiction. In any action brought
16 for modification or revocation of an order that is being
17 enforced under Title IV-D of the Social Security Act (42
18 U.S.C. Sec. 651 et seq.), the effective date of the
19 modification or revocation shall be as prescribed by
20 federal law (42 U.S.C. Sec. 666(a)(9)), or any subsequent
21 date.

22 (c) (1) The Judicial Council, in consultation with the
23 department and representatives of the California Family
24 Support Council, the Senate Committee on Judiciary, the
25 Assembly Committee on Judiciary, and a legal services
26 organization providing representation on child support
27 matters, shall develop simplified summons, complaint,
28 and answer forms for any action for support brought
29 pursuant to this section or Section 11350.1. The Judicial
30 Council may combine the summons and complaint in a
31 single form.

32 (2) (A) The simplified complaint form shall provide
33 the defendant with notice of the amount of child support
34 that is sought pursuant to the guidelines set forth in
35 Article 2 (commencing with Section 4050) of Chapter 2
36 of Part 2 of the Family Code based upon the income or
37 income history of the defendant as known to the district
38 attorney. If the defendant's income or income history is
39 unknown to the district attorney, the complaint shall
40 inform the defendant that income shall be presumed in



1 an amount that results in a court order equal to the
2 minimum basic standard of adequate care provided in
3 Section 11452 unless information concerning the
4 defendant's income is provided to the court.

5 (B) The complaint form shall be accompanied by a
6 proposed judgment. The complaint form shall include a
7 notice to the defendant that the proposed judgment will
8 become effective if he or she fails to file an answer with
9 the court within 30 days of service.

10 (3) (A) The simplified answer form shall be written in
11 simple English and shall permit a defendant to answer
12 and raise defenses by checking applicable boxes. The
13 answer form shall include instructions for completion of
14 the form and instructions for proper filing of the answer.

15 (B) The answer form shall be accompanied by a blank
16 income and expense declaration or simplified financial
17 statement and instructions on how to complete the
18 financial forms. The answer form shall direct the
19 defendant to file the completed income and expense
20 declaration or simplified financial statement with the
21 answer, but shall state that the answer will be accepted
22 by a court without the income and expense declaration or
23 simplified financial statement.

24 (C) The clerk of the court shall accept and file
25 answers, income and expense declarations, and simplified
26 financial statements that are completed by hand
27 provided they are legible.

28 (4) (A) The simplified complaint form prepared
29 pursuant to this subdivision shall be used by the district
30 attorney or the Attorney General in all cases brought
31 under this section or Section 11350.1.

32 (B) The simplified answer form prepared pursuant to
33 this subdivision shall be served on all defendants with the
34 simplified complaint. Failure to serve the simplified
35 answer form on all defendants shall not invalidate any
36 judgment obtained. However, failure to serve the answer
37 form may be used as evidence in any proceeding under
38 Section 11356 of this code or Section 473 of the Code of
39 Civil Procedure.

1 (C) The Judicial Council shall add language to the
2 governmental summons, for use by the district attorney
3 with the governmental complaint to establish parental
4 relationship and child support, informing defendants that
5 a blank answer form should have been received with the
6 summons and additional copies may be obtained from
7 either the district attorney's office or the superior court
8 clerk.

9 (D) The informational materials included with the
10 summons and complaint shall include notice of, and
11 information about, the child support services hearings
12 available pursuant to Section 10950, provided that there
13 is federal financial participation available as set forth in
14 subdivision (e) of Section 10950.

15 (d) In any action brought or enforcement proceedings
16 instituted by the district attorney pursuant to this section
17 for payment of child or spousal support, an action to
18 recover an arrearage in support payments may be
19 maintained by the district attorney at any time within the
20 period otherwise specified for the enforcement of a
21 support judgment, notwithstanding the fact that the child
22 has attained the age of majority.

23 (e) The county shall undertake an outreach program
24 to inform the public that the services described in
25 subdivisions (a) to (c), inclusive, are available to persons
26 not receiving public assistance. There shall be
27 prominently displayed in every public area of every office
28 of the units established by this section a notice, in clear
29 and simple language prescribed by the Director of Social
30 Services, that the services provided in subdivisions (a) to
31 (c), inclusive, are provided to all individuals whether or
32 not they are recipients of public social services.

33 (f) (1) In any action to establish a child support order
34 brought by the district attorney in the performance of
35 duties under this section, the district attorney may make
36 a motion for an order effective during the pendency of
37 that action, for the support, maintenance, and education
38 of the child or children that are the subject of the action.
39 This order shall be referred to as an order for temporary



1 support. This order shall have the same force and effect
2 as a like or similar order under the Family Code.

3 (2) The district attorney shall file a motion for an order
4 for temporary support within the following time limits:

5 (A) If the defendant is the mother, a presumed father
6 under Section 7611 of the Family Code, or any father
7 where the child is at least six months old when the
8 defendant files his or her answer, the time limit is 90 days
9 after the defendant files an answer.

10 (B) In any other case where the defendant has filed an
11 answer prior to the birth of the child or not more than six
12 months after the birth of the child, then the time limit is
13 nine months after the birth of the child.

14 (3) If more than one child is the subject of the action,
15 the limitation on reimbursement shall apply only as to
16 those children whose parental relationship and age would
17 bar recovery were a separate action brought for support
18 of that child or those children.

19 (4) If the district attorney fails to file a motion for an
20 order for temporary support within time limits specified
21 in this section, the district attorney shall be barred from
22 obtaining a judgment of reimbursement for any support
23 provided for that child during the period between the
24 date the time limit expired and the motion was filed, or,
25 if no motion is filed, when a final judgment is entered.

26 (5) Nothing in this section prohibits the district
27 attorney from entering into cooperative arrangements
28 with other county departments as necessary to carry out
29 the responsibilities imposed by this section pursuant to
30 plans of cooperation with the departments approved by
31 the State Department of Social Services.

32 (6) Nothing in this section shall otherwise limit the
33 ability of the district attorney from securing and
34 enforcing orders for support of a spouse or former spouse
35 as authorized under any other provision of law.

36 (g) As used in this article, “enforcing obligations”
37 includes, but is not limited to, (1) the use of all
38 interception and notification systems operated by the
39 State Department of Social Services for the purposes of
40 aiding in the enforcement of support obligations, (2) the



1 obtaining by the district attorney of an initial order for
2 child support, which may include medical support or
3 which is for medical support only, by civil or criminal
4 process, (3) the initiation of a motion or order to show
5 cause to increase an existing child support order, and the
6 response to a motion or order to show cause brought by
7 an obligor parent to decrease an existing child support
8 order, or the initiation of a motion or order to show cause
9 to obtain an order for medical support, and the response
10 to a motion or order to show cause brought by an obligor
11 parent to decrease or terminate an existing medical
12 support order, without regard to whether the child is
13 receiving public assistance, (4) the response to a notice
14 of motion or order to show cause brought by an obligor
15 parent to decrease an existing spousal support order
16 when the child or children are residing with the obligee
17 parent and the district attorney is also enforcing a related
18 child support obligation owed to the obligee parent by
19 the same obligor, and (5) the use of the collection services
20 of the Franchise Tax Board to enforce the collection of
21 child support delinquencies under Section 19271 of the
22 Revenue and Taxation Code.

23 (h) As used in this section, “out of wedlock” means
24 that the biological parents of the child were not married
25 to each other at the time of the child’s conception.

26 (i) (1) The district attorney is the public agency
27 responsible for administering wage withholding for the
28 purposes of Title IV-D of the Social Security Act (42
29 U.S.C. Sec. 651 et seq.). Notwithstanding any other law,
30 the district attorney shall utilize the collection services of
31 the Franchise Tax Board under Section 19271 of the
32 Revenue and Taxation Code.

33 (2) Nothing in this section shall limit the authority of
34 the district attorney granted by other sections of this code
35 or otherwise granted by law, except to the extent that the
36 law is inconsistent with the requirement to refer child
37 support delinquencies to the Franchise Tax Board for
38 collection pursuant to Section 19271 of the Revenue and
39 Taxation Code.



1 (j) In the exercise of the authority granted under this
2 article, the district attorney may intervene, pursuant to
3 subdivision (b) of Section 387 of the Code of Civil
4 Procedure, by ex parte application, in any action under
5 the Family Code, or other proceeding wherein child
6 support is an issue or a reduction in spousal support is
7 sought. By notice of motion, order to show cause, or
8 responsive pleading served upon all parties to the action,
9 the district attorney may request any appropriate relief
10 that the district attorney is authorized to seek.

11 (k) The district attorney shall comply with any
12 guidelines established by the State Department of Social
13 Services which set time standards for responding to
14 requests for assistance in locating absent parents,
15 establishing paternity, establishing child support awards,
16 and collecting child support payments.

17 (l) As used in this article, medical support activities
18 that the district attorney is authorized to perform are
19 limited to the following:

20 (1) The obtaining and enforcing of court orders for
21 health insurance coverage.

22 (2) Any other medical support activity mandated by
23 federal law or regulation.

24 (m) (1) Notwithstanding any other provision of law,
25 venue for an action or proceeding under this part shall be
26 determined as follows:

27 (A) Venue shall be in the superior court in the county
28 that is currently expending public assistance.

29 (B) If public assistance is not currently being
30 expended, venue shall be in the superior court in the
31 county where the child who is entitled to current support
32 resides or is domiciled.

33 (C) If current support is no longer payable through, or
34 enforceable by, the district attorney, venue shall be in the
35 superior court in the county that last provided public
36 assistance for actions to enforce arrearages assigned
37 pursuant to Section 11477.

38 (D) If subparagraphs (A), (B), and (C) do not apply,
39 venue shall be in the superior court in the county of
40 residence of the support obligee.



1 (E) If the support obligee does not reside in California,
2 and subparagraphs (A), (B), (C), and (D) do not apply,
3 venue shall be in the superior court of the county of
4 residence of the obligor.

5 (2) Notwithstanding paragraph (1), if the child
6 becomes a resident of another county after an action
7 under this part has been filed, venue may remain in the
8 county where the action was filed until the action is
9 completed.

10 (n) The district attorney of one county may appear on
11 behalf of the district attorney of any other county in an
12 action or proceeding under this part.

13 (o) To the extent not otherwise required by law, the
14 district attorney shall provide notice of, and information
15 about, the child support services hearings available
16 pursuant to Section 10950 in any regularly issued notices
17 to custodial and noncustodial parents, provided that
18 there is federal financial participation available as set
19 forth in subdivision (e) of Section 10950.

20 SEC. 7. Section 11475.5 of the Welfare and Institutions
21 Code is amended to read:

22 11475.5. (a) The State Department of Social Services
23 shall publish a booklet describing the proper procedures
24 and processes for the collection and payment of child and
25 spousal support. The booklet shall be written in language
26 understandable to the lay person and shall direct the
27 reader to obtain the assistance of the local district
28 attorney's office or legal counsel where appropriate. The
29 department may contract on a competitive basis with an
30 organization or individual to write the booklet. This
31 booklet shall include notice of, and information about, the
32 child support services hearings available pursuant to
33 Section 10950, provided that there is federal financial
34 participation available as set forth in subdivision (e) of
35 Section 10950.

36 (b) The department shall have primary responsibility
37 for the design and development of the contents of the
38 booklet. The department shall solicit comment regarding
39 the content of the booklet from the Director of the
40 Administrative Office of the Courts. The department



1 shall verify the appropriateness and accuracy of the
2 contents of the booklet with at least one representative
3 of each of the following organizations:

- 4 (1) A county district attorney's office.
- 5 (2) The State Attorney General's office.
- 6 (3) The California Family Support Council.
- 7 (4) A community organization that advocates for the
8 rights of custodial parents.
- 9 (5) A community organization that advocates for the
10 rights of supporting parents.

11 (c) Upon receipt of booklets on support collection,
12 each county welfare department shall provide a copy to
13 each head of household whose application for public
14 assistance under this chapter has been approved and for
15 whom support rights have been assigned pursuant to
16 Section 11477. The State Department of Social Services
17 shall provide copies of the booklet to district attorneys'
18 offices for distribution, and to any person upon request.
19 The department shall also distribute the booklets to all
20 superior courts. Upon receipt of those booklets, each
21 clerk of the court shall provide two copies of the booklet
22 to the petitioner or plaintiff in any action involving the
23 support of a minor child. The moving party shall serve a
24 copy of the booklet on the responding party.

25 (d) The department shall expand the information
26 provided under its toll-free information hotline in
27 response to inquiries regarding the process and
28 procedures for collection and payment of child and
29 spousal support. This toll-free number shall be advertised
30 as providing information on child and spousal support.
31 The hotline personnel shall not provide legal consultation
32 or advice, but shall provide only referral services.

33 (e) The department shall maintain a file of referral
34 sources to provide callers to the telephone hotline with
35 the following information specific to the county in which
36 the caller resides:

- 37 (1) The location and telephone number of the district
38 attorney's office, the county welfare office, and any other
39 government agency that handles child and spousal
40 support matters.



1 (2) The telephone number of the local bar association
2 for referral to attorneys in family law practice.

3 (3) The name and telephone number of at least one
4 organization that advocates the payment of child and
5 spousal support or the name and telephone number of at
6 least one organization that advocates the rights of
7 supporting parents, if these organizations exist in the
8 county.

9 SEC. 8. Section 11478.2 of the Welfare and Institutions
10 Code is amended to read:

11 11478.2. (a) In all actions involving paternity or
12 support, including, but not limited to, proceedings under
13 the Family Code, and under this division, the district
14 attorney and Attorney General represent the public
15 interest in establishing, modifying, and enforcing support
16 obligations. No attorney-client relationship shall be
17 deemed to have been created between the district
18 attorney or Attorney General and any person by virtue of
19 the action of the district attorney or the Attorney General
20 in carrying out these statutory duties.

21 (b) The provisions of subdivision (a) are declarative of
22 existing law.

23 (c) (1) In all requests for services of the district
24 attorney or Attorney General pursuant to Section 11475.1
25 relating to actions involving paternity or support, the
26 district attorney or Attorney General shall provide notice
27 as prescribed in paragraph (2), not later than the same
28 day an individual makes a request for these services in
29 person, and not later than five working days after any one
30 of the following events:

31 (A) A case is referred for services from the county
32 welfare department.

33 (B) Receipt of a request by mail for an application for
34 services.

35 (C) An individual makes a request for services by
36 telephone.

37 (2) The district attorney or Attorney General shall
38 give notice to the individual requesting services or on
39 whose behalf services have been requested that the
40 district attorney or Attorney General does not represent



1 the individual or the children who are the subject of the
2 case, that no attorney-client relationship exists between
3 the district attorney or Attorney General and those
4 persons, and that no representation or relationship shall
5 arise if the district attorney or Attorney General provides
6 the services requested. Notice shall be in bold print and
7 in plain English and shall be translated into the language
8 understandable by the recipient when reasonable. The
9 notice shall include the advice that the absence of an
10 attorney-client relationship means that communications
11 from the recipient are not privileged and that the district
12 attorney or Attorney General may provide support
13 enforcement services to the other parent in the future.

14 (d) The district attorney or Attorney General shall
15 give the notice required pursuant to subdivision (c) to all
16 recipients of services under Section 11475.1 who have not
17 otherwise been provided that notice, not later than the
18 date of the next annual notice required under Section
19 11476.2. This notice shall include notification to the
20 recipient of services under Section 11475.1 that the
21 recipient may inspect the clerk's file at the county clerk's
22 office, and that, upon request, the district attorney, or, if
23 appropriate, the Attorney General, will furnish a copy of
24 the most recent order entered in the case.

25 (e) The district attorney, or, if appropriate, the
26 Attorney General, shall serve a copy of the complaint for
27 paternity or support, or both on recipients of support
28 services under Section 11475.1, as specified in paragraph
29 (2) of subdivision (e) of Section 11350.1. A notice shall
30 accompany the complaint which informs the recipient
31 that the district attorney or Attorney General may enter
32 into a stipulated order resolving the complaint, and that
33 if the recipient wishes to assist the prosecuting attorney,
34 he or she should send all information on the noncustodial
35 parent's earnings and assets to the prosecuting attorney.

36 (f) (1) The district attorney or Attorney General shall
37 provide written notice to recipients of services under
38 Section 11475.1 of the initial date and time, and purpose
39 of every hearing in a civil action for paternity or support.
40 The notice shall include the following language:



IMPORTANT NOTICE

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It may be important that you attend the hearing. The district attorney does not represent you or your children. You may have information about the noncustodial parent, such as information about his or her income or assets, or your need for support that will not be presented to the court unless you attend the hearing. You have the right to be heard in court and tell the court what you think the court should do with the child support order.

If you have a court order for support that arose as part of your divorce, this hearing could change your rights or your children’s rights to support. You have the right to attend the hearing and, the right, to be heard.

If you would like to attend the hearing and be told about any changes to the hearing date or time, notify this office by _____. The district attorney or Attorney General will then have to tell you about any changes to the hearing date or time.

(2) The notice shall state the purpose of the hearing or be attached to the motion or other pleading which caused the hearing to be scheduled.

(3) The notice shall be provided separate from all other material and shall be in at least 14-point type. The failure of the district attorney or Attorney General to comply with this subdivision shall not affect the validity of any order.

(4) The notice shall be provided not later than seven calendar days prior to the hearing, or, if the district attorney or Attorney General receives notice of the hearing less than seven days prior to the hearing, within two days of the receipt by the district attorney or Attorney General of the notice of the hearing.

(5) The district attorney or Attorney General shall, in order to implement this subdivision, make reasonable efforts to ensure that the district attorney or Attorney



1 General has current addresses for recipients of support
2 enforcement services.

3 (g) The district attorney or Attorney General shall
4 give notice to recipients of services under Section 11475.1
5 of every order obtained by the district attorney or
6 Attorney General that establishes or modifies the support
7 obligation for the recipient or the children who are the
8 subject of the order, by sending a copy of the order to the
9 recipient. The notice shall be made within 14 calendar
10 days after the order has been filed. The district attorney
11 or Attorney General shall also give notice to these
12 recipients of every order obtained in any other
13 jurisdiction, that establishes or modifies the support
14 obligation for the recipient or the children who are the
15 subject of the order, and which is received by the district
16 attorney or Attorney General, by sending a copy of the
17 order to the recipient within 14 calendar days after the
18 district attorney or Attorney General has received a copy
19 of the order. In any action enforced under Chapter 6
20 (commencing with Section 4900) of Part 5 of Division 9
21 of the Family Code, the notice shall be made in
22 compliance with the requirements of that chapter. The
23 failure of the district attorney or Attorney General to
24 comply with this subdivision shall not affect the validity
25 of any order.

26 (h) The district attorney or Attorney General shall
27 give notice to the noncustodial parent against whom a
28 civil action is filed that the district attorney or Attorney
29 General is not the attorney representing any individual,
30 including, but not limited to, the custodial parent, the
31 child, or the noncustodial parent.

32 (i) Nothing in this section shall be construed to
33 preclude any person who is receiving services under
34 Section 11475.1 from filing and prosecuting an
35 independent action to establish, modify, and enforce an
36 order for current support on behalf of himself or herself
37 or a child if that person is not receiving public assistance.

38 (j) A person who is receiving services under Section
39 11475.1 but who is not currently receiving public
40 assistance on his or her own behalf or on behalf of a child



1 shall be asked to execute, or consent to, any stipulation
2 establishing or modifying a support order in any action in
3 which that person is named as a party, before the
4 stipulation is filed. The district attorney or Attorney
5 General shall not submit to the court for approval a
6 stipulation to establish or modify a support order in that
7 action without first obtaining the signatures of all parties
8 to the action, their attorneys of record, or persons
9 authorized to act on their behalf.

10 (k) The district attorney or Attorney General shall not
11 enter into a stipulation that reduces the amount of past
12 due support, including interest and penalties accrued
13 pursuant to an order of current support, on behalf of a
14 person who is receiving support enforcement services
15 under Section 11475.1 and who is owed support
16 arrearages that exceed unreimbursed public assistance
17 paid to the recipient of the support enforcement services,
18 without first obtaining the consent of the person who is
19 receiving services under Section 11475.1 on his or her own
20 behalf or on behalf of the child.

21 (l) The notices required in this section shall be
22 provided in the following manner:

23 (1) In all cases in which the person receiving services
24 under Section 11475.1 resides in California, notice shall be
25 provided by mailing the item by first-class mail to the last
26 known address of, or personally delivering the item to,
27 that person.

28 (2) In all actions enforced under Chapter 6
29 (commencing with Section 4900) of Part 5 of Division 9
30 of the Family Code, unless otherwise specified, notice
31 shall be provided by mailing the item by first-class mail
32 to the initiating court.

33 (m) Notwithstanding any other provision of this
34 section, the notices provided for pursuant to subdivisions
35 (c) to (g), inclusive, shall not be required in foster care
36 cases.

37 (n) Any notice required by subdivisions (c) and (h) of
38 this section shall include notice of, and information about,
39 the child support services hearings available pursuant to
40 Section 10950, provided that there is federal financial



1 participation available as set forth in subdivision (e) of
2 Section 10950.

3 SEC. 9. Notwithstanding Section 17610 of the
4 Government Code, if the Commission on State Mandates
5 determines that this act contains costs mandated by the
6 state, reimbursement to local agencies and school
7 districts for those costs shall be made pursuant to Part 7
8 (commencing with Section 17500) of Division 4 of Title
9 2 of the Government Code. If the statewide cost of the
10 claim for reimbursement does not exceed one million
11 dollars (\$1,000,000), reimbursement shall be made from
12 the State Mandates Claims Fund.

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