

AMENDED IN SENATE SEPTEMBER 7, 1999

AMENDED IN SENATE SEPTEMBER 2, 1999

AMENDED IN SENATE JUNE 30, 1999

AMENDED IN ASSEMBLY APRIL 27, 1999

AMENDED IN ASSEMBLY APRIL 15, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1671

**Introduced by Committee on Judiciary (Kuehl (Chair),
Aroner, Corbett, Hertzberg, Jackson, Knox, Shelley, and
Steinberg)**

March 15, 1999

An act to amend Sections 215, 243, 3011, 3020, 3021, 4065, 4508, ~~and 6341~~ 6341, and 17400 of, to add Sections 126, 3046, 5000, 5001, 5002, and 17523 to, ~~and to repeal and add Section 17400 to,~~ the Family Code, to amend Sections 19271.6, 19272, and 19273 of the Revenue and Taxation Code, and to amend Sections 213.5 and 11475.1 of, to amend and renumber Section 18205 of, and to add Section 11350.75 to, the Welfare and Institutions Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

AB 1671, as amended, Committee on Judiciary. Family law: child custody and support.

(1) Existing law provides for proceedings to determine the custody of a child.



This bill would specify that these provisions apply to proceedings to determine the physical or legal custody of a child.

(2) Existing law specifies matters to be considered by the court when granting custody of a child or otherwise determining the best interest of the child.

This bill would prohibit the court from considering the absence or relocation of a party as a factor in determining custody or visitation in specified circumstances.

(3) Existing law provides that an order or judgment to pay child support may require a child support obligor to designate an account for the purpose of paying the child support obligation by electronic funds transfer, and may require the obligor to deposit funds in an account with a financial institution for that purpose. However, existing law provides that if the obligor does not have an account, the court may not require the obligor to establish an account.

This bill would provide that the court may require the obligor to establish an account.

(4) Existing law, known as the Uniform Interstate Family Support Act, provides procedures for interstate establishment, modification, registration, and enforcement of support orders.

This bill would provide additional procedures relating to the issuance of a summons or order to show cause upon commencement of proceedings under the act and the transfer of proceedings to a court in another county or state in specified circumstances. In proceedings under the act prosecuted by the district attorney or Attorney General, the bill would authorize service on the respondent of a proposed form of judgment, as specified, with the summons and petition, which form would include specified information regarding the respondent's presumed income, and would specify that a respondent may obtain relief from a judgment obtained pursuant to that presumption of income according to provisions of existing law. Because the bill would impose additional duties on court personnel, this bill would create a state-mandated local program.

(5) Existing law authorizes the court, in proceedings under the Domestic Violence Prevention Act, to issue an order for



support of a child if the respondent is the child's presumed father.

This bill would additionally authorize that order to be entered in those proceedings if the parties are married to each other and no other child support order exists.

(6) Existing law provides for the collection of child support delinquencies by the Franchise Tax Board.

This bill would, effective July 1, 2000, require the Department of Justice, Child Support Program, to compile a file of support obligors with out-of-state arrearages and forward that file to the Franchise Tax Board and would make technical changes.

(7) Existing law authorizes the court, in proceedings to declare a child a dependent child or ward of the juvenile court to issue specified restraining orders against the child's parent, guardian, or other specified persons. Those orders may remain in effect, at the discretion of the court, for up to one year. Violation of those restraining orders is a misdemeanor.

This bill would authorize those restraining orders to remain in effect for up to 3 years. By expanding the duration of the orders, the bill would expand the scope of an existing crime, thus imposing a state-mandated local program.

(8) Existing law provides that judgments for child support are enforceable in generally the same manner as money judgments, including by the creation of a judgment lien on real property, as specified.

This bill would, in cases where the local child support agency is enforcing a delinquent support obligation, provide for the creation of a lien on the personal property, as defined, of the support obligor in specified circumstances. The bill would also specify priorities between child support liens, state tax liens, and other liens and provide that a personal property lien for support arising in another state would be enforceable in this state.

(9) Existing law requires each county to maintain a child support unit in the district attorney's office. Existing law requires the Judicial Council to develop simplified summons, complaint, and answer forms for support actions brought under these provisions, and requires the simplified complaint form in certain instances to inform the defendant that income



shall be presumed in an amount that results in a court order equal to the minimum basic standard of adequate care.

This bill would provide that this minimum basic standard of adequate care is that for Region I.

(10) Existing law authorizes the Director of Social Services to approve county demonstration projects to provide employment and training services to nonsupporting, noncustodial parents of children receiving aid under the CalWORKs program.

This bill would expand the eligibility for those services, within budgeted resources, to nonsupporting, noncustodial parents of children receiving other types of aid, as specified.

(11) This bill would incorporate additional changes to Section 213.5 of the Welfare and Institutions Code, made by this bill and AB 825 to take effect if both bills are enacted and this bill is enacted last.

(12) This bill would incorporate additional changes to ~~Section 11475.1~~ *Sections 19272 of the Revenue and Taxation Code and 18205* of the Welfare and Institutions Code, made by this bill and ~~AB 472~~ SB 542 to take effect if both bills are enacted and this bill is enacted last.

(13) This bill would provide that certain of its provisions would be operative in the Family Code if ~~either AB 196 or SB 542, or both, are~~ *is* enacted and ~~become~~ *becomes* operative, otherwise those provisions would become operative in the Welfare and Institutions Code. *The bill would also incorporate additional changes to Section 17400 of the Family Code proposed by AB 196 and SB 542 to take effect if either or both of those bills are enacted and this bill is enacted last. It also would make additional changes contingent upon the enactment of AB 380 as specified.*

(14) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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. Section 126 is added to the Family Code,
2 to read:

3 126. "Petitioner" includes plaintiff, where
4 appropriate.

5 SEC. 2. Section 215 of the Family Code is amended to
6 read:

7 215. After entry of a judgment of dissolution of
8 marriage, nullity of marriage, legal separation of the
9 parties, or paternity, or after a permanent order in any
10 other proceeding in which there was at issue the
11 visitation, custody, or support of a child, no modification
12 of the judgment or order, and no subsequent order in the
13 proceedings, is valid unless any prior notice otherwise
14 required to be given to a party to the proceeding is
15 served, in the same manner as the notice is otherwise
16 permitted by law to be served, upon the party. For the
17 purposes of this section, service upon the attorney of
18 record is not sufficient.

19 SEC. 3. Section 243 of the Family Code is amended to
20 read:

21 243. (a) When the matter first comes up for hearing,
22 the applicant must be ready to proceed.

23 (b) If an order described in Section 240 has been issued
24 without notice pending the hearing, the applicant must
25 have served on the respondent, at least five days before
26 the hearing, a copy of each of the following:

27 (1) The order to show cause.



1 (2) The application and the affidavits and points and
2 authorities in support of the application.

3 (3) Any other supporting papers filed with the court.

4 (c) If the applicant fails to comply with subdivisions
5 (a) and (b), the court shall dissolve the order.

6 (d) If service is made under subdivision (b), the
7 respondent is entitled, as of course, to one continuance for
8 a reasonable period, to respond to the application for the
9 order.

10 (e) On motion of the applicant or on its own motion,
11 the court may shorten the time provided in this section
12 for service on the respondent.

13 (f) The respondent may, in response to the order to
14 show cause, present affidavits relating to the granting of
15 the order, and if the affidavits are served on the applicant
16 at least two days before the hearing, the applicant is not
17 entitled to a continuance on account of the affidavits.

18 SEC. 4. Section 3011 of the Family Code is amended
19 to read:

20 3011. In making a determination of the best interest
21 of the child in a proceeding described in Section 3021, the
22 court shall, among any other factors it finds relevant,
23 consider all of the following:

24 (a) The health, safety, and welfare of the child.

25 (b) Any history of abuse by one parent or any other
26 person seeking custody against any of the following:

27 (1) Any child to whom he or she is related by blood or
28 affinity or with whom he or she has had a caretaking
29 relationship, no matter how temporary.

30 (2) The other parent.

31 (3) A parent, current spouse, or cohabitant, of the
32 parent or person seeking custody, or a person with whom
33 the parent or person seeking custody has a dating or
34 engagement relationship.

35 As a prerequisite to the consideration of allegations of
36 abuse, the court may require substantial independent
37 corroboration, including, but not limited to, written
38 reports by law enforcement agencies, child protective
39 services or other social welfare agencies, courts, medical
40 facilities, or other public agencies or private nonprofit



1 organizations providing services to victims of sexual
2 assault or domestic violence. As used in this subdivision,
3 “abuse against a child” means “child abuse” as defined in
4 Section 11165.6 of the Penal Code and abuse against any
5 of the other persons described in paragraph (2) or (3)
6 means “abuse” as defined in Section 6203 of this code.

7 (c) The nature and amount of contact with both
8 parents, except as provided in Section 3046.

9 (d) The habitual or continual illegal use of controlled
10 substances or habitual or continual abuse of alcohol by
11 either parent. Before considering these allegations, the
12 court may first require independent corroboration,
13 including, but not limited to, written reports from law
14 enforcement agencies, courts, probation departments,
15 social welfare agencies, medical facilities, rehabilitation
16 facilities, or other public agencies or nonprofit
17 organizations providing drug and alcohol abuse services.
18 As used in this subdivision, “controlled substances” has
19 the same meaning as defined in the California Uniform
20 Controlled Substances Act, Division 10 (commencing
21 with Section 11000) of the Health and Safety Code.

22 (e) (1) Where allegations about a parent pursuant to
23 subdivision (b) or (d) have been brought to the attention
24 of the court in the current proceeding, and the court
25 makes an order for sole or joint custody to that parent, the
26 court shall state its reasons in writing or on the record. In
27 these circumstances, the court shall ensure that any order
28 regarding custody or visitation is specific as to time, day,
29 place, and manner of transfer of the child as set forth in
30 subdivision (b) of Section 6323.

31 (2) The provisions of this subdivision shall not apply if
32 the parties stipulate in writing or on the record regarding
33 custody or visitation.

34 SEC. 5. Section 3020 of the Family Code is amended
35 to read:

36 3020. (a) The Legislature finds and declares that it is
37 the public policy of this state to assure that the health,
38 safety, and welfare of children shall be the court’s primary
39 concern in determining the best interest of children
40 when making any orders regarding the physical or legal



1 custody or visitation of children. The Legislature further
2 finds and declares that the perpetration of child abuse or
3 domestic violence in a household where a child resides is
4 detrimental to the child.

5 (b) The Legislature finds and declares that it is the
6 public policy of this state to assure that children have
7 frequent and continuing contact with both parents after
8 the parents have separated or dissolved their marriage, or
9 ended their relationship, and to encourage parents to
10 share the rights and responsibilities of child rearing in
11 order to effect this policy, except where the contact
12 would not be in the best interest of the child, as provided
13 in Section 3011.

14 (c) Where the policies set forth in subdivisions (a) and
15 (b) of this section are in conflict, any court's order
16 regarding physical or legal custody or visitation shall be
17 made in a manner that ensures the health, safety, and
18 welfare of the child and the safety of all family members.

19 SEC. 6. Section 3021 of the Family Code is amended
20 to read:

21 3021. This part applies in any of the following:

- 22 (a) A proceeding for dissolution of marriage.
- 23 (b) A proceeding for nullity of marriage.
- 24 (c) A proceeding for legal separation of the parties.
- 25 (d) An action for exclusive custody pursuant to Section
26 3120.
- 27 (e) A proceeding to determine physical or legal
28 custody or for visitation in a proceeding pursuant to the
29 Domestic Violence Prevention Act (Division 10
30 commencing with Section 6200)).

31 In an action under Section 6323, nothing in this
32 subdivision shall be construed to authorize physical or
33 legal custody, or visitation rights, to be granted to any
34 party to a Domestic Violence Prevention Act proceeding
35 who has not established a parent and child relationship
36 pursuant to paragraph (2) of subdivision (a) of Section
37 6323.

38 (f) A proceeding to determine physical or legal
39 custody or visitation in an action pursuant to the Uniform



1 Parentage Act (Part 3 (commencing with Section 7600)
2 of Division 12).

3 (g) A proceeding to determine physical or legal
4 custody or visitation in an action brought by the district
5 attorney pursuant to Section 11350.1 of the Welfare and
6 Institutions Code.

7 SEC. 7. Section 3046 is added to the Family Code, to
8 read:

9 3046. (a) If a party is absent or relocates from the
10 family residence, the court shall not consider the absence
11 or relocation as a factor in determining custody or
12 visitation in either of the following circumstances:

13 (1) The absence or relocation is of short duration and
14 the court finds that, during the period of absence or
15 relocation, the party has demonstrated an interest in
16 maintaining custody or visitation, the party maintains, or
17 makes reasonable efforts to maintain, regular contact
18 with the child, and the party's behavior demonstrates no
19 intent to abandon the child.

20 (2) The party is absent or relocates because of an act
21 or acts of actual or threatened domestic or family violence
22 by the other party.

23 (b) The court may consider attempts by one party to
24 interfere with the other party's regular contact with the
25 child in determining if the party has satisfied the
26 requirements of subdivision (a).

27 (c) This section does not apply to the following:

28 (1) A party against whom a protective or restraining
29 order has been issued excluding the party from the
30 dwelling of the other party or the child, or otherwise
31 enjoining the party from assault or harrassment against
32 the other party or the child, including, but not limited to,
33 orders issued under Part 4 (commencing with Section
34 6300) of Division 10, orders preventing civil harassment
35 or workplace violence issued pursuant to Section 527.6 or
36 527.8 of the Code of Civil Procedure, and criminal
37 protective orders issued pursuant to Section 136.2 of the
38 Penal Code.

39 (2) A party who abandons a child as provided in
40 Section 7822.



1 SEC. 8. Section 4065 of the Family Code is amended
2 to read:

3 4065. (a) Unless prohibited by applicable federal
4 law, the parties may stipulate to a child support amount
5 subject to approval of the court. However, the court shall
6 not approve a stipulated agreement for child support
7 below the guideline formula amount unless the parties
8 declare all of the following:

9 (1) They are fully informed of their rights concerning
10 child support.

11 (2) The order is being agreed to without coercion or
12 duress.

13 (3) The agreement is in the best interests of the
14 children involved.

15 (4) The needs of the children will be adequately met
16 by the stipulated amount.

17 (5) The right to support has not been assigned to the
18 county pursuant to Section 11477 of the Welfare and
19 Institutions Code and no public assistance application is
20 pending.

21 (b) The parties may, by stipulation, require the child
22 support obligor to designate an account for the purpose
23 of paying the child support obligation by electronic funds
24 transfer pursuant to Section 4508.

25 (c) A stipulated agreement of child support is not valid
26 unless the district attorney has joined in the stipulation by
27 signing it in any case in which the district attorney is
28 providing services pursuant to Section 11475.1 of the
29 Welfare and Institutions Code. The district attorney shall
30 not stipulate to a child support order below the guideline
31 amount if the children are receiving assistance under the
32 CalWORKs program, if an application for public
33 assistance is pending, or if the parent receiving support
34 has not consented to the order.

35 (d) If the parties to a stipulated agreement stipulate to
36 a child support order below the amount established by
37 the statewide uniform guideline, no change of
38 circumstances need be demonstrated to obtain a
39 modification of the child support order to the applicable
40 guideline level or above.



1 SEC. 9. Section 4508 of the Family Code is amended
2 to read:

3 4508. (a) This section does not apply to any child
4 support obligor who is subject to an earnings assignment
5 order pursuant to Chapter 8 (commencing with Section
6 5200).

7 (b) Except as provided in subdivision (a), every order
8 or judgment to pay child support may require a child
9 support obligor to designate an account for the purpose
10 of paying the child support obligation by electronic funds
11 transfer, as defined in subdivision (a) of Section 6479.5 of
12 the Revenue and Taxation Code. The order or judgment
13 may require the obligor to deposit funds in an
14 interest-bearing account with a state or federally
15 chartered commercial bank, a savings and loan
16 association, or in shares of a federally insured credit union
17 doing business in this state, and shall require the obligor
18 to maintain funds in the account sufficient to pay the
19 monthly child support obligation. The court may order
20 that each payment be electronically transferred to either
21 the obligee's account or the district attorney's account.
22 The obligor shall be required to notify the obligee if the
23 depository institution or the account number is changed.
24 No interest shall accrue on any amount subject to
25 electronic funds transfer as long as funds are maintained
26 in the account that are sufficient to pay the monthly child
27 support obligation.

28 SEC. 10. Section 5000 is added to the Family Code, to
29 read:

30 5000. (a) When a petition or comparable pleading
31 pursuant to this chapter is filed in a court of this state, the
32 district attorney or petitioner may either (1) request the
33 issuance of a summons or (2) request the court to issue an
34 order requiring the respondent to appear personally at a
35 specified time and place to show cause why an order
36 should not be issued as prayed in the petition or
37 comparable pleading on file.

38 (b) If a summons is issued for a petition or comparable
39 pleading pursuant to this chapter, the district attorney or
40 petitioner shall cause a copy of the summons, petition,



1 and other documents to be served upon the respondent
2 according to law.

3 (c) If an order to show cause is issued on a petition or
4 comparable pleading pursuant to this chapter requiring
5 the respondent to appear at a specified time and place to
6 respond to the petition, a copy of the order to show cause,
7 the petition, and other documents shall be served upon
8 the respondent at least 15 days prior to the hearing.

9 (d) A petition or comparable pleading pursuant to this
10 chapter served upon a respondent in accordance with
11 this section shall be accompanied by a blank responsive
12 form that shall permit the respondent to answer the
13 petition and raise any defenses by checking applicable
14 boxes and by a blank income and expense declaration or
15 simplified financial statement together with instructions
16 for completion of the forms.

17 SEC. 11. Section 5001 is added to the Family Code, to
18 read:

19 5001. (a) If, prior to filing, a petition or comparable
20 pleading pursuant to this chapter is received by the
21 district attorney or the superior court and the county in
22 which the pleadings are received is not the appropriate
23 jurisdiction for trial of the action, the court or the district
24 attorney shall forward the pleadings and any
25 accompanying documents to the appropriate court of this
26 state or to the jurisdiction of another state without filing
27 the pleadings or order of the court, and shall notify the
28 petitioner, the California Central Registry, and the
29 district attorney of the receiving county where and when
30 the pleading was sent.

31 (b) If, after a petition or comparable pleading
32 pursuant to this chapter has been filed with the superior
33 court of a county, it appears that the respondent is not or
34 is no longer a resident of the county in which the action
35 has been filed, upon ex parte application by the district
36 attorney or petitioner, the court shall transfer the action
37 to the appropriate court of this state or to the appropriate
38 jurisdiction of another state and shall notify the
39 petitioner, the respondent, the California Central



1 Registry, and the district attorney of the receiving county
2 where and when the pleading was sent.

3 (c) If, after entry of an order by a court of this state on
4 an action filed pursuant to this chapter or an order of
5 another state registered in a court of this state for
6 enforcement or modification pursuant to this chapter, it
7 appears that the respondent is not or is no longer a
8 resident of the county in which the foreign order has been
9 registered, upon ex parte application by the district
10 attorney of the transferring or receiving county or the
11 petitioner, the court shall transfer the registered order
12 and all documents subsequently filed in that action to the
13 appropriate court of this state and shall notify the
14 petitioner, the respondent, the California Central
15 Registry, and the district attorney of the transferring and
16 receiving county where and when the registered order
17 and all other appropriate documents were sent. Transfer
18 of certified copies of documents shall meet the
19 requirements of this section.

20 (d) If, in an action initiated in a court of this state
21 pursuant to this chapter or a predecessor law for
22 interstate enforcement of support, the petitioner is no
23 longer a resident of the county in which the action has
24 been filed, upon ex parte application by the petitioner or
25 the district attorney, the court shall transfer the action to
26 the appropriate court of this state and shall notify the
27 responding jurisdiction where and when the action was
28 transferred.

29 (e) Notwithstanding subdivisions (b) and (c), above,
30 if the respondent becomes a resident of another county
31 or jurisdiction after an action or registered order under
32 this chapter has been filed, the action may remain in the
33 county where the action was filed until the action is
34 completed.

35 SEC. 12. Section 5002 is added to the Family Code, to
36 read:

37 5002. (a) In an action pursuant to this chapter
38 prosecuted by the district attorney or the Attorney
39 General that is initiated by service of summons and
40 petition or other comparable pleading, the respondent



1 may also be served with a proposed judgment consistent
2 with the relief sought in the petition or other comparable
3 pleading. If the respondent's income or income history is
4 unknown to the district attorney, the district attorney
5 may serve a form of proposed judgment with the petition
6 and other documents on the respondent that shall inform
7 the respondent that income shall be presumed in an
8 amount that results in a court order equal to the
9 minimum basic standard of adequate care provided in
10 Section 11452 of the Welfare and Institutions Code unless
11 information concerning the respondent's income is
12 provided to the court. The respondent shall also receive
13 notice that the proposed judgment will become effective
14 if he or she fails to file a response with the court within 30
15 days after service.

16 (b) In any action pursuant to this chapter in which the
17 judgment was obtained pursuant to presumed income, as
18 set forth in this section, the court may relieve the
19 respondent from that part of the judgment or order
20 concerning the amount of child support to be paid in the
21 manner set forth in Section 11356 of the Welfare and
22 Institutions Code.

23 SEC. 13. Section 6341 of the Family Code is amended
24 to read:

25 6341. (a) If the parties are married to each other and
26 no other child support order exists or if there is a
27 presumption under Section 7611 that the respondent is
28 the natural father of a minor child and the child is in the
29 custody of the petitioner, after notice and a hearing, the
30 court may order a party to pay an amount necessary for
31 the support and maintenance of the child if the order
32 would otherwise be authorized in an action brought
33 pursuant to Division 9 (commencing with Section 3500)
34 or the Uniform Parentage Act (Part 3 (commencing with
35 Section 7600) of Division 12).

36 (b) An order issued pursuant to this section shall be
37 without prejudice in an action brought pursuant to the
38 Uniform Parentage Act (Part 3 (commencing with
39 Section 7600) of Division 12).



1 ~~SEC. 14. Section 17400 of the Family Code, as~~
2 ~~proposed to be added by Assembly Bill 196 of the~~
3 ~~1999-2000 Regular Session, is repealed.~~

4 ~~SEC. 15. Section 17400 of the Family Code, as~~
5 ~~proposed to be added by Senate Bill 542 of the 1999-2000~~
6 ~~Regular Session, is repealed.~~

7 ~~SEC. 16. Section 17400 is added to the Family Code,~~
8 ~~to read:~~

9 ~~17400. (a) (1) Each county shall maintain a local~~
10 ~~child support agency, as specified in Section 17304, that~~
11 ~~shall have the responsibility for promptly and effectively~~
12 ~~establishing, modifying, and enforcing child support~~
13 ~~obligations, including medical support, enforcing spousal~~
14 ~~support orders established by a court of competent~~
15 ~~jurisdiction, and determining paternity in the case of a~~
16 ~~child born out of wedlock. The local child support agency~~
17 ~~shall take appropriate action, including criminal action in~~
18 ~~cooperation with the district attorneys, to establish,~~
19 ~~modify, and enforce child support and, when~~
20 ~~appropriate, enforce spousal support orders when the~~
21 ~~child is receiving public assistance, including Medi-Cal;~~
22 ~~and, when requested, shall take the same actions on~~
23 ~~behalf of a child who is not receiving public assistance,~~
24 ~~including Medi-Cal.~~

25 ~~(2) Notwithstanding any other provision of law, on~~
26 ~~and after January 1, 2000, the Franchise Tax Board shall~~
27 ~~have responsibility and authority for the enforcement~~
28 ~~and collection of child support delinquencies in support~~
29 ~~of the child support activities of the Department of Child~~
30 ~~Support Services, local child support agencies, and~~
31 ~~subject to all federal and state laws, regulations, and~~
32 ~~directives relating to Title IV-D child support programs.~~

33 ~~(3) (A) For purposes of paragraph (2), “child support~~
34 ~~delinquency” means any of the following:~~

35 ~~(i) (I) An arrearage or otherwise past due amount~~
36 ~~that exists when an obligor fails to make any~~
37 ~~court-ordered support payment when due.~~

38 ~~(II) The unpaid amount is more than 60 days past due.~~



1 ~~(III) The aggregate of all amounts described in~~
2 ~~subclauses (I) and (II) exceeds one hundred dollars~~
3 ~~(\$100).~~

4 ~~(ii) As otherwise defined by guidelines prescribed by~~
5 ~~the Department of Child Support Services in consultation~~
6 ~~with the Franchise Tax Board and may include or be~~
7 ~~limited to interest, fees, penalties, spousal support, or~~
8 ~~medical support.~~

9 ~~(B) The local child support agency shall transfer child~~
10 ~~support delinquencies to the Franchise Tax Board in the~~
11 ~~form and manner and at the time prescribed by the~~
12 ~~Franchise Tax Board pursuant to paragraph (2) of~~
13 ~~subdivision (a) of Section 19271 of the Revenue and~~
14 ~~Taxation Code.~~

15 ~~(C) After a local child support agency transfers a~~
16 ~~delinquent child support obligation to the Franchise Tax~~
17 ~~Board pursuant to this section, the local child support~~
18 ~~agency shall continue to facilitate resolution of the child~~
19 ~~support obligation in coordination with the Franchise Tax~~
20 ~~Board.~~

21 ~~(b) If a child support delinquency exists at the time a~~
22 ~~case is opened by the local child support agency, the~~
23 ~~responsibility for the enforcement and collection of the~~
24 ~~delinquency shall be transferred to the Franchise Tax~~
25 ~~Board no later than 30 days after receipt of the case by the~~
26 ~~local child support agency. Any reference to the local~~
27 ~~child support agency in connection with the enforcement~~
28 ~~and collection of child support delinquencies shall be~~
29 ~~deemed a reference to the Franchise Tax Board. This~~
30 ~~transfer of responsibility and authority is in support of the~~
31 ~~local child support agency solely for the administration of~~
32 ~~the enforcement and collection of child support~~
33 ~~delinquencies and shall not in any manner transfer any~~
34 ~~responsibilities the local child support agency may have~~
35 ~~and any responsibilities the Department of Child Support~~
36 ~~Services may have as the Title IV-D agency. A child~~
37 ~~support delinquency, as specified in this section, shall be~~
38 ~~enforced and collected by the Franchise Tax Board~~
39 ~~pursuant to Section 19271 of the Revenue and Taxation~~
40 ~~Code.~~



1 ~~(c) Actions brought by the local child support agency~~
2 ~~to establish paternity or child support or to enforce child~~
3 ~~support obligations shall be completed within the time~~
4 ~~limits set forth by federal law. The local child support~~
5 ~~agency's responsibility applies to spousal support only~~
6 ~~where the spousal support obligation has been reduced to~~
7 ~~an order of a court of competent jurisdiction. In any~~
8 ~~action brought for modification or revocation of an order~~
9 ~~that is being enforced under Title IV-D of the Social~~
10 ~~Security Act (42 U.S.C. Sec. 651 et seq.), the effective date~~
11 ~~of the modification or revocation shall be as prescribed by~~
12 ~~federal law (42 U.S.C. Sec. 666(a)(9)), or any subsequent~~
13 ~~date.~~

14 ~~(d) (1) The Judicial Council, in consultation with the~~
15 ~~department and representatives of the California Family~~
16 ~~Support Council, the Senate Committee on Judiciary, the~~
17 ~~Assembly Committee on Judiciary, and a legal services~~
18 ~~organization providing representation on child support~~
19 ~~matters, shall develop simplified summons, complaint,~~
20 ~~and answer forms for any action for support brought~~
21 ~~pursuant to this section or Section 17404. The Judicial~~
22 ~~Council may combine the summons and complaint in a~~
23 ~~single form.~~

24 ~~(2) The simplified complaint form shall provide the~~
25 ~~defendant with notice of the amount of child support that~~
26 ~~is sought pursuant to the guidelines set forth in Article 2~~
27 ~~(commencing with Section 4050) of Chapter 2 of Part 2~~
28 ~~of Division 9 based upon the income or income history of~~
29 ~~the defendant as known to the local child support agency.~~
30 ~~If the defendant's income or income history is unknown~~
31 ~~to the local child support agency, the complaint shall~~
32 ~~inform the defendant that income shall be presumed in~~
33 ~~an amount that results in a court order equal to the~~
34 ~~minimum basic standard of adequate care for Region I~~
35 ~~provided in Sections 11452 and 11452.018 of the Welfare~~
36 ~~and Institutions Code unless information concerning the~~
37 ~~defendant's income is provided to the court. The~~
38 ~~complaint form shall be accompanied by a proposed~~
39 ~~judgment. The complaint form shall include a notice to~~
40 ~~the defendant that the proposed judgment will become~~



1 effective if he or she fails to file an answer with the court
2 within 30 days of service.

3 (3) (A) The simplified answer form shall be written in
4 simple English and shall permit a defendant to answer
5 and raise defenses by checking applicable boxes. The
6 answer form shall include instructions for completion of
7 the form and instructions for proper filing of the answer.

8 (B) The answer form shall be accompanied by a blank
9 income and expense declaration or simplified financial
10 statement and instructions on how to complete the
11 financial forms. The answer form shall direct the
12 defendant to file the completed income and expense
13 declaration or simplified financial statement with the
14 answer, but shall state that the answer will be accepted
15 by a court without the income and expense declaration or
16 simplified financial statement.

17 (C) The clerk of the court shall accept and file
18 answers, income and expense declarations, and simplified
19 financial statements that are completed by hand
20 provided they are legible.

21 (4) (A) The simplified complaint form prepared
22 pursuant to this subdivision shall be used by the local child
23 support agency or the Attorney General in all cases
24 brought under this section or Section 17404.

25 (B) The simplified answer form prepared pursuant to
26 this subdivision shall be served on all defendants with the
27 simplified complaint. Failure to serve the simplified
28 answer form on all defendants shall not invalidate any
29 judgment obtained. However, failure to serve the answer
30 form may be used as evidence in any proceeding under
31 Section 17432 of this code or Section 473 of the Code of
32 Civil Procedure.

33 (C) The Judicial Council shall add language to the
34 governmental summons, for use by the local child support
35 agency with the governmental complaint to establish
36 parental relationship and child support, informing
37 defendants that a blank answer form should have been
38 received with the summons and additional copies may be
39 obtained from either the local child support agency or the
40 superior court clerk.



1 ~~(e) In any action brought or enforcement proceedings~~
2 ~~instituted by the local child support agency pursuant to~~
3 ~~this section for payment of child or spousal support, an~~
4 ~~action to recover an arrearage in support payments may~~
5 ~~be maintained by the local child support agency at any~~
6 ~~time within the period otherwise specified for the~~
7 ~~enforcement of a support judgment, notwithstanding the~~
8 ~~fact that the child has attained the age of majority.~~

9 ~~(f) The county shall undertake an outreach program~~
10 ~~to inform the public that the services described in~~
11 ~~subdivisions (a) to (e), inclusive, are available to persons~~
12 ~~not receiving public assistance. There shall be~~
13 ~~prominently displayed in every public area of every office~~
14 ~~of the agencies established by this section a notice, in clear~~
15 ~~and simple language prescribed by the Director of Child~~
16 ~~Support Services, that the services provided in~~
17 ~~subdivisions (a) to (e), inclusive, are provided to all~~
18 ~~individuals, whether or not they are recipients of public~~
19 ~~assistance.~~

20 ~~(g) (1) In any action to establish a child support order~~
21 ~~brought by the local child support agency in the~~
22 ~~performance of duties under this section, the local child~~
23 ~~support agency may make a motion for an order effective~~
24 ~~during the pendency of that action, for the support,~~
25 ~~maintenance, and education of the child or children that~~
26 ~~are the subject of the action. This order shall be referred~~
27 ~~to as an order for temporary support. This order shall~~
28 ~~have the same force and effect as a like or similar order~~
29 ~~under this code.~~

30 ~~(2) The local child support agency shall file a motion~~
31 ~~for an order for temporary support within the following~~
32 ~~time limits:~~

33 ~~(A) If the defendant is the mother, a presumed father~~
34 ~~under Section 7611, or any father where the child is at~~
35 ~~least six months old when the defendant files his answer,~~
36 ~~the time limit is 90 days after the defendant files an~~
37 ~~answer.~~

38 ~~(B) In any other case where the defendant has filed an~~
39 ~~answer prior to the birth of the child or not more than six~~



~~1 months after the birth of the child, then the time limit is
2 nine months after the birth of the child.~~

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

~~8 (4) If the local child support agency fails to file a
9 motion for an order for temporary support within time
10 limits specified in this section, the local child support
11 agency shall be barred from obtaining a judgment of
12 reimbursement for any support provided for that child
13 during the period between the date the time limit
14 expired and the motion was filed, or, if no motion is filed,
15 when a final judgment is entered.~~

~~16 (5) Nothing in this section prohibits the local child
17 support agency from entering into cooperative
18 arrangements with other county departments as
19 necessary to carry out the responsibilities imposed by this
20 section pursuant to plans of cooperation with the
21 departments approved by the Department of Child
22 Support Services.~~

~~23 (6) Nothing in this section shall otherwise limit the
24 ability of the local child support agency from securing and
25 enforcing orders for support of a spouse or former spouse
26 as authorized under any other provision of law.~~

~~27 (h) As used in this article, “enforcing obligations”
28 includes, but is not limited to, (1) the use of all
29 interception and notification systems operated by the
30 department for the purposes of aiding in the enforcement
31 of support obligations, (2) the obtaining by the local child
32 support agency of an initial order for child support that
33 may include medical support or that is for medical
34 support only, by civil or criminal process, (3) the
35 initiation of a motion or order to show cause to increase
36 an existing child support order, and the response to a
37 motion or order to show cause brought by an obligor
38 parent to decrease an existing child support order, or the
39 initiation of a motion or order to show cause to obtain an
40 order for medical support, and the response to a motion~~



1 or order to show cause brought by an obligor parent to
2 decrease or terminate an existing medical support order,
3 without regard to whether the child is receiving public
4 assistance, (4) the response to a notice of motion or order
5 to show cause brought by an obligor parent to decrease
6 an existing spousal support order when the child or
7 children are residing with the obligee parent and the
8 local child support agency is also enforcing a related child
9 support obligation owed to the obligee parent by the
10 same obligor, and (5) the transfer of the enforcement and
11 collection of child support delinquencies to the Franchise
12 Tax Board under Section 19271 of the Revenue and
13 Taxation Code in support of the local child support
14 agency.

15 (i) As used in this section, “out of wedlock” means that
16 the biological parents of the child were not married to
17 each other at the time of the child’s conception.

18 (j) (1) The local child support agency is the public
19 agency responsible for administering wage withholding
20 for current support the purposes of Title IV-D of the
21 Social Security Act (42 U.S.C. Sec. 651 et seq.).

22 (2) Nothing in this section shall limit the authority of
23 the local child support agency granted by other sections
24 of this code or otherwise granted by law, except to the
25 extent that the law is inconsistent with the transfer of the
26 responsibility and authority for enforcement and
27 collection of delinquent child support to the Franchise
28 Tax Board.

29 (k) In the exercise of the authority granted under this
30 article, the local child support agency may intervene,
31 pursuant to subdivision (b) of Section 387 of the Code of
32 Civil Procedure, by ex parte application, in any action
33 under this code, or other proceeding in which child
34 support is an issue or a reduction in spousal support is
35 sought. By notice of motion, order to show cause, or
36 responsive pleading served upon all parties to the action,
37 the local child support agency may request any relief that
38 is appropriate that the local child support agency is
39 authorized to seek.



1 ~~(l) The local child support agency shall comply with~~
2 ~~any guidelines established by the department that set~~
3 ~~time standards for responding to requests for assistance~~
4 ~~in locating noncustodial parents, establishing paternity,~~
5 ~~establishing child support awards, and collecting child~~
6 ~~support payments.~~

7 ~~(m) As used in this article, medical support activities~~
8 ~~that the local child support agency is authorized to~~
9 ~~perform are limited to the following:~~

10 ~~(1) The obtaining and enforcing of court orders for~~
11 ~~health insurance coverage.~~

12 ~~(2) Any other medical support activity mandated by~~
13 ~~federal law or regulation.~~

14 ~~(n) (1) Notwithstanding any other law, venue for an~~
15 ~~action or proceeding under this division shall be~~
16 ~~determined as follows:~~

17 ~~(A) Venue shall be in the superior court in the county~~
18 ~~that is currently expending public assistance.~~

19 ~~(B) If public assistance is not currently being~~
20 ~~expended, venue shall be in the superior court in the~~
21 ~~county where the child who is entitled to current support~~
22 ~~resides or is domiciled.~~

23 ~~(C) If current support is no longer payable through, or~~
24 ~~enforceable by, the local child support agency, venue~~
25 ~~shall be in the superior court in the county that last~~
26 ~~provided public assistance for actions to enforce~~
27 ~~arrearages assigned pursuant to Section 11477 of the~~
28 ~~Welfare and Institutions Code.~~

29 ~~(D) If subparagraphs (A), (B), and (C) do not apply,~~
30 ~~venue shall be in the superior court in the county of~~
31 ~~residence of the support obligee.~~

32 ~~(E) If the support obligee does not reside in California,~~
33 ~~and subparagraphs (A), (B), (C), and (D) do not apply,~~
34 ~~venue shall be in the superior court of the county of~~
35 ~~residence of the obligor.~~

36 ~~(2) Notwithstanding paragraph (1), if the child~~
37 ~~becomes a resident of another county after an action~~
38 ~~under this part has been filed, venue may remain in the~~
39 ~~county where the action was filed until the action is~~
40 ~~completed.~~



1 ~~(o) The local child support agency of one county may~~
2 ~~appear on behalf of the local child support agency of any~~
3 ~~other county in an action or proceeding under this part.~~

4 ~~SEC. 16.2. Section 17400 is added to the Family Code,~~
5 ~~to read:~~

6 ~~17400. (a) (1) Each county shall maintain a local~~
7 ~~child support agency, as specified in Section 17304, that~~
8 ~~shall have the responsibility for promptly and effectively~~
9 ~~establishing, modifying, and enforcing child support~~
10 ~~obligations, including medical support, enforcing spousal~~
11 ~~support orders established by a court of competent~~
12 ~~jurisdiction, and determining paternity in the case of a~~
13 ~~child born out of wedlock. The local child support agency~~
14 ~~shall take appropriate action, including criminal action in~~
15 ~~cooperation with the district attorneys, to establish,~~
16 ~~modify, and enforce child support and, when~~
17 ~~appropriate, enforce spousal support orders when the~~
18 ~~child is receiving public assistance, including Medi-Cal,~~
19 ~~and when requested, shall take the same actions on behalf~~
20 ~~of a child who is not receiving public assistance, including~~
21 ~~Medi-Cal.~~

22 ~~(2) Notwithstanding any other provision of law, on~~
23 ~~and after January 1, 2000, the Franchise Tax Board shall~~
24 ~~have responsibility and authority for the enforcement~~
25 ~~and collection of child support delinquencies in support~~
26 ~~of the child support activities of the Department of Child~~
27 ~~Support Services, local child support agencies, and~~
28 ~~subject to all federal and state laws, regulations, and~~
29 ~~directives relating to Title IV-D child support programs.~~

30 ~~(3) (A) For purposes of paragraph (2), child support~~
31 ~~delinquency means either of the following:~~

32 ~~(i) An arrearage or otherwise past due amount that~~
33 ~~exists when an obligor fails to make any court ordered~~
34 ~~support payment when due, the unpaid amount is more~~
35 ~~than 60 days past due, and the aggregate of the amounts~~
36 ~~described in this clause exceeds one hundred dollars~~
37 ~~(\$100).~~

38 ~~(ii) An arrearage or otherwise past due amount as~~
39 ~~defined by guidelines prescribed by the Department of~~
40 ~~Child Support Services in consultation with the Franchise~~



1 Tax Board, which may include, or be limited to, interest,
2 fees, penalties, spousal support, or medical support.

3 (B) The local child support agency shall transfer child
4 support delinquencies to the Franchise Tax Board in the
5 form and manner and at the time prescribed by the
6 Franchise Tax Board pursuant to paragraph (2) of
7 subdivision (a) of Section 19271 of the Revenue and
8 Taxation Code.

9 (C) After a local child support agency transfers a
10 delinquent child support obligation to the Franchise Tax
11 Board pursuant to this section, the local child support
12 agency shall continue to facilitate resolution of the child
13 support obligation in coordination with the Franchise Tax
14 Board.

15 (b) If a child support delinquency exists at the time a
16 case is opened by the local child support agency, the
17 responsibility for the enforcement and collection of the
18 delinquency shall be transferred to the Franchise Tax
19 Board no later than 30 days after receipt of the case by the
20 local child support agency. Any reference to the local
21 child support agency in connection with the enforcement
22 and collection of child support delinquencies shall be
23 deemed a reference to the Franchise Tax Board. This
24 transfer of responsibility and authority is in support of the
25 local child support agency solely for the administration of
26 the enforcement and collection of child support
27 delinquencies and shall not in any manner transfer any
28 responsibilities the local child support agency may have
29 and any responsibilities the Department of Child Support
30 Services may have as the Title IV-D agency. A child
31 support delinquency, as specified in this section, shall be
32 enforced and collected by the Franchise Tax Board
33 pursuant to Section 19271 of the Revenue and Taxation
34 Code.

35 (e) Actions brought by the local child support agency
36 to establish paternity or child support or to enforce child
37 support obligations shall be completed within the time
38 limits set forth by federal law. The local child support
39 agency's responsibility applies to spousal support only
40 where the spousal support obligation has been reduced to



1 an order of a court of competent jurisdiction. In any
2 action brought for modification or revocation of an order
3 that is being enforced under Title IV-D of the Social
4 Security Act (42 U.S.C. Sec. 651 et seq.), the effective date
5 of the modification or revocation shall be as prescribed by
6 federal law (42 U.S.C. Sec. 666(a)(9)), or any subsequent
7 date.

8 (d) (1) The Judicial Council, in consultation with the
9 department and representatives of the California Family
10 Support Council, the Senate Committee on Judiciary, the
11 Assembly Committee on Judiciary, and a legal services
12 organization providing representation on child support
13 matters, shall develop simplified summons, complaint,
14 and answer forms for any action for support brought
15 pursuant to this section or Section 17404. The Judicial
16 Council may combine the summons and complaint in a
17 single form.

18 (2) The simplified complaint form shall provide the
19 defendant with notice of the amount of child support that
20 is sought pursuant to the guidelines set forth in Article 2
21 (commencing with Section 4050) of Chapter 2 of Part 2
22 of Division 9 based upon the income or income history of
23 the defendant as known to the local child support agency.
24 If the defendant's income or income history is unknown
25 to the local child support agency, the complaint shall
26 inform the defendant that income shall be presumed in
27 an amount that results in a court order equal to the
28 minimum basic standard of adequate care for Region I
29 provided in Sections 11452 and 11452.018 of the Welfare
30 and Institutions Code unless information concerning the
31 defendant's income is provided to the court. The
32 complaint form shall be accompanied by a proposed
33 judgment. The complaint form shall include a notice to
34 the defendant that the proposed judgment will become
35 effective if he or she fails to file an answer with the court
36 within 30 days of service.

37 (3) (A) The simplified answer form shall be written in
38 simple English and shall permit a defendant to answer
39 and raise defenses by checking applicable boxes. The



1 ~~answer form shall include instructions for completion of~~
2 ~~the form and instructions for proper filing of the answer.~~

3 ~~(B) The answer form shall be accompanied by a blank~~
4 ~~income and expense declaration or simplified financial~~
5 ~~statement and instructions on how to complete the~~
6 ~~financial forms. The answer form shall direct the~~
7 ~~defendant to file the completed income and expense~~
8 ~~declaration or simplified financial statement with the~~
9 ~~answer, but shall state that the answer will be accepted~~
10 ~~by a court without the income and expense declaration or~~
11 ~~simplified financial statement.~~

12 ~~(C) The clerk of the court shall accept and file~~
13 ~~answers, income and expense declarations, and simplified~~
14 ~~financial statements that are completed by hand~~
15 ~~provided they are legible.~~

16 ~~(4) (A) The simplified complaint form prepared~~
17 ~~pursuant to this subdivision shall be used by the local child~~
18 ~~support agency or the Attorney General in all cases~~
19 ~~brought under this section or Section 17404.~~

20 ~~(B) The simplified answer form prepared pursuant to~~
21 ~~this subdivision shall be served on all defendants with the~~
22 ~~simplified complaint. Failure to serve the simplified~~
23 ~~answer form on all defendants shall not invalidate any~~
24 ~~judgment obtained. However, failure to serve the answer~~
25 ~~form may be used as evidence in any proceeding under~~
26 ~~Section 17432 of this code or Section 473 of the Code of~~
27 ~~Civil Procedure.~~

28 ~~(C) The Judicial Council shall add language to the~~
29 ~~governmental summons, for use by the local child support~~
30 ~~agency with the governmental complaint to establish~~
31 ~~parental relationship and child support, informing~~
32 ~~defendants that a blank answer form should have been~~
33 ~~received with the summons and additional copies may be~~
34 ~~obtained from either the local child support agency or the~~
35 ~~superior court clerk.~~

36 ~~(e) In any action brought or enforcement proceedings~~
37 ~~instituted by the local child support agency pursuant to~~
38 ~~this section for payment of child or spousal support, an~~
39 ~~action to recover an arrearage in support payments may~~
40 ~~be maintained by the local child support agency at any~~



1 ~~time within the period otherwise specified for the~~
2 ~~enforcement of a support judgment, notwithstanding the~~
3 ~~fact that the child has attained the age of majority.~~

4 ~~(f) The county shall undertake an outreach program~~
5 ~~to inform the public that the services described in~~
6 ~~subdivisions (a) to (e), inclusive, are available to persons~~
7 ~~not receiving public assistance. There shall be~~
8 ~~prominently displayed in every public area of every office~~
9 ~~of the agencies established by this section a notice, in clear~~
10 ~~and simple language prescribed by the Director of Child~~
11 ~~Support Services, that the services provided in~~
12 ~~subdivisions (a) to (e), inclusive, are provided to all~~
13 ~~individuals, whether or not they are recipients of public~~
14 ~~assistance.~~

15 ~~(g) (1) In any action to establish a child support order~~
16 ~~brought by the local child support agency in the~~
17 ~~performance of duties under this section, the local child~~
18 ~~support agency may make a motion for an order effective~~
19 ~~during the pendency of that action, for the support,~~
20 ~~maintenance, and education of the child or children that~~
21 ~~are the subject of the action. This order shall be referred~~
22 ~~to as an order for temporary support. This order shall~~
23 ~~have the same force and effect as a like or similar order~~
24 ~~under this code.~~

25 ~~(2) The local child support agency shall file a motion~~
26 ~~for an order for temporary support within the following~~
27 ~~time limits:~~

28 ~~(A) If the defendant is the mother, a presumed father~~
29 ~~under Section 7611, or any father where the child is at~~
30 ~~least six months old when the defendant files his answer,~~
31 ~~the time limit is 90 days after the defendant files an~~
32 ~~answer.~~

33 ~~(B) In any other case where the defendant has filed an~~
34 ~~answer prior to the birth of the child or not more than six~~
35 ~~months after the birth of the child, then the time limit is~~
36 ~~nine months after the birth of the child.~~

37 ~~(3) If more than one child is the subject of the action,~~
38 ~~the limitation on reimbursement shall apply only as to~~
39 ~~those children whose parental relationship and age would~~



~~1 bar recovery were a separate action brought for support
2 of that child or those children.~~

~~3 (4) If the local child support agency fails to file a
4 motion for an order for temporary support within time
5 limits specified in this section, the local child support
6 agency shall be barred from obtaining a judgment of
7 reimbursement for any support provided for that child
8 during the period between the date the time limit
9 expired and the motion was filed, or, if no motion is filed,
10 when a final judgment is entered.~~

~~11 (5) Nothing in this section prohibits the local child
12 support agency from entering into cooperative
13 arrangements with other county departments as
14 necessary to carry out the responsibilities imposed by this
15 section pursuant to plans of cooperation with the
16 departments approved by the Department of Child
17 Support Services.~~

~~18 (6) Nothing in this section shall otherwise limit the
19 ability of the local child support agency from securing and
20 enforcing orders for support of a spouse or former spouse
21 as authorized under any other provision of law.~~

~~22 (h) As used in this article, "enforcing obligations"
23 includes, but is not limited to, (1) the use of all
24 interception and notification systems operated by the
25 department for the purposes of aiding in the enforcement
26 of support obligations, (2) the obtaining by the local child
27 support agency of an initial order for child support that
28 may include medical support or that is for medical
29 support only, by civil or criminal process, (3) the
30 initiation of a motion or order to show cause to increase
31 an existing child support order, and the response to a
32 motion or order to show cause brought by an obligor
33 parent to decrease an existing child support order, or the
34 initiation of a motion or order to show cause to obtain an
35 order for medical support, and the response to a motion
36 or order to show cause brought by an obligor parent to
37 decrease or terminate an existing medical support order,
38 without regard to whether the child is receiving public
39 assistance, (4) the response to a notice of motion or order
40 to show cause brought by an obligor parent to decrease~~



1 ~~an existing spousal support order when the child or~~
2 ~~children are residing with the obligee parent and the~~
3 ~~local child support agency is also enforcing a related child~~
4 ~~support obligation owed to the obligee parent by the~~
5 ~~same obligor, and (5) the transfer of the enforcement and~~
6 ~~collection of child support delinquencies to the Franchise~~
7 ~~Tax Board to enforce the collection of child support~~
8 ~~delinquencies under Section 19271 of the Revenue and~~
9 ~~Taxation Code in support of the local child support~~
10 ~~agency.~~

11 ~~(i) As used in this section, “out of wedlock” means that~~
12 ~~the biological parents of the child were not married to~~
13 ~~each other at the time of the child’s conception.~~

14 ~~(j) The local child support agency is the public agency~~
15 ~~responsible for administering wage withholding for~~
16 ~~current support for the purposes of Title IV-D of the~~
17 ~~Social Security Act (42 U.S.C. Sec. 651 et seq.).~~

18 ~~Nothing in this section shall limit the authority of the~~
19 ~~local child support agency granted by other sections of~~
20 ~~this code or otherwise granted by law, except to the~~
21 ~~extent that the law is inconsistent with the transfer of the~~
22 ~~responsibility and authority for enforcement and~~
23 ~~collection of delinquent child support to the Franchise~~
24 ~~Tax Board.~~

25 ~~(k) In the exercise of the authority granted under this~~
26 ~~article, the local child support agency may intervene,~~
27 ~~pursuant to subdivision (b) of Section 387 of the Code of~~
28 ~~Civil Procedure, by ex parte application, in any action~~
29 ~~under this code, or other proceeding in which child~~
30 ~~support is an issue or a reduction in spousal support is~~
31 ~~sought. By notice of motion, order to show cause, or~~
32 ~~responsive pleading served upon all parties to the action,~~
33 ~~the local child support agency may request any relief that~~
34 ~~is appropriate that the local child support agency is~~
35 ~~authorized to seek.~~

36 ~~(l) The local child support agency shall comply with~~
37 ~~any guidelines established by the department that set~~
38 ~~time standards for responding to requests for assistance~~
39 ~~in locating noncustodial parents, establishing paternity,~~



1 ~~establishing child support awards, and collecting child~~
2 ~~support payments.~~

3 ~~(m) As used in this article, medical support activities~~
4 ~~that the local child support agency is authorized to~~
5 ~~perform are limited to the following:~~

6 ~~(1) The obtaining and enforcing of court orders for~~
7 ~~health insurance coverage.~~

8 ~~(2) Any other medical support activity mandated by~~
9 ~~federal law or regulation.~~

10 ~~(n) (1) Notwithstanding any other law, venue for an~~
11 ~~action or proceeding under this division shall be~~
12 ~~determined as follows:~~

13 ~~(A) Venue shall be in the superior court in the county~~
14 ~~that is currently expending public assistance.~~

15 ~~(B) If public assistance is not currently being~~
16 ~~expended, venue shall be in the superior court in the~~
17 ~~county where the child who is entitled to current support~~
18 ~~resides or is domiciled.~~

19 ~~(C) If current support is no longer payable through, or~~
20 ~~enforceable by, the local child support agency, venue~~
21 ~~shall be in the superior court in the county that last~~
22 ~~provided public assistance for actions to enforce~~
23 ~~arrearages assigned pursuant to Section 11477 of the~~
24 ~~Welfare and Institutions Code.~~

25 ~~(D) If subparagraphs (A), (B), and (C) do not apply,~~
26 ~~venue shall be in the superior court in the county of~~
27 ~~residence of the support obligee.~~

28 ~~(E) If the support obligee does not reside in California,~~
29 ~~and subparagraphs (A), (B), (C), and (D) do not apply,~~
30 ~~venue shall be in the superior court of the county of~~
31 ~~residence of the obligor.~~

32 ~~(2) Notwithstanding paragraph (1), if the child~~
33 ~~becomes a resident of another county after an action~~
34 ~~under this part has been filed, venue may remain in the~~
35 ~~county where the action was filed until the action is~~
36 ~~completed.~~

37 ~~(o) The local child support agency of one county may~~
38 ~~appear on behalf of the local child support agency of any~~
39 ~~other county in an action or proceeding under this part.~~



1 ~~SEC. 16.4. Section 17400 is added to the Family Code,~~
2 ~~to read:~~

3 ~~17400. (a) (1) Each county shall maintain a local~~
4 ~~child support agency, as specified in Section 17304, that~~
5 ~~shall have the responsibility for promptly and effectively~~
6 ~~establishing, modifying, and enforcing child support~~
7 ~~obligations, including medical support, enforcing spousal~~
8 ~~support orders established by a court of competent~~
9 ~~jurisdiction, and determining paternity in the case of a~~
10 ~~child born out of wedlock. The local child support agency~~
11 ~~shall take appropriate action, including criminal action in~~
12 ~~cooperation with the district attorneys, to establish,~~
13 ~~modify, and enforce child support and, when~~
14 ~~appropriate, enforce spousal support orders when the~~
15 ~~child is receiving public assistance, including Medi-Cal;~~
16 ~~and, when requested, shall take the same actions on~~
17 ~~behalf of a child who is not receiving public assistance,~~
18 ~~including Medi-Cal.~~

19 ~~(2) Notwithstanding any other provision of law, on~~
20 ~~and after January 1, 2000, the Franchise Tax Board shall~~
21 ~~have responsibility and authority for the enforcement~~
22 ~~and collection of child support delinquencies in support~~
23 ~~of the child support activities of the Department of Child~~
24 ~~Support Services, local child support agencies, and~~
25 ~~subject to all federal and state laws, regulations, and~~
26 ~~directives relating to Title IV-D child support programs.~~

27 ~~(3) (A) For purposes of paragraph (2), “child support~~
28 ~~delinquency” means any of the following:~~

29 ~~(i) (I) An arrearage or otherwise past due amount~~
30 ~~that exists when an obligor fails to make any~~
31 ~~court-ordered support payment when due.~~

32 ~~(II) The unpaid amount is more than 60 days past due.~~

33 ~~(III) The aggregate of all amounts described in~~
34 ~~subclauses (I) and (II) exceeds one hundred dollars~~
35 ~~(\$100).~~

36 ~~(ii) As otherwise defined by guidelines prescribed by~~
37 ~~the Department of Child Support Services in consultation~~
38 ~~with the Franchise Tax Board and may include or be~~
39 ~~limited to interest, fees, penalties, spousal support, or~~
40 ~~medical support.~~



1 ~~(B) The local child support agency shall transfer child~~
2 ~~support delinquencies to the Franchise Tax Board in the~~
3 ~~form and manner and at the time prescribed by the~~
4 ~~Franchise Tax Board pursuant to paragraph (2) of~~
5 ~~subdivision (a) of Section 19271 of the Revenue and~~
6 ~~Taxation Code.~~

7 ~~(C) After a local child support agency transfers a~~
8 ~~delinquent child support obligation to the Franchise Tax~~
9 ~~Board pursuant to this section, the local child support~~
10 ~~agency shall continue to facilitate resolution of the child~~
11 ~~support obligation in coordination with the Franchise Tax~~
12 ~~Board.~~

13 ~~(b) If a child support delinquency exists at the time a~~
14 ~~case is opened by the local child support agency, the~~
15 ~~responsibility for the enforcement and collection of the~~
16 ~~delinquency shall be transferred to the Franchise Tax~~
17 ~~Board no later than 30 days after receipt of the case by the~~
18 ~~local child support agency. Any reference to the local~~
19 ~~child support agency in connection with the enforcement~~
20 ~~and collection of child support delinquencies shall be~~
21 ~~deemed a reference to the Franchise Tax Board. This~~
22 ~~transfer of responsibility and authority is in support of the~~
23 ~~local child support agency solely for the administration of~~
24 ~~the enforcement and collection of child support~~
25 ~~delinquencies and shall not in any manner transfer any~~
26 ~~responsibilities the local child support agency may have~~
27 ~~and any responsibilities the Department of Child Support~~
28 ~~Services may have as the Title IV-D agency. A child~~
29 ~~support delinquency, as specified in this section, shall be~~
30 ~~enforced and collected by the Franchise Tax Board~~
31 ~~pursuant to Section 19271 of the Revenue and Taxation~~
32 ~~Code.~~

33 ~~(c) Actions brought by the local child support agency~~
34 ~~to establish paternity or child support or to enforce child~~
35 ~~support obligations shall be completed within the time~~
36 ~~limits set forth by federal law. The local child support~~
37 ~~agency's responsibility applies to spousal support only~~
38 ~~where the spousal support obligation has been reduced to~~
39 ~~an order of a court of competent jurisdiction. In any~~
40 ~~action brought for modification or revocation of an order~~



1 that is being enforced under Title IV-D of the Social
2 Security Act (42 U.S.C. Sec. 651 et seq.), the effective date
3 of the modification or revocation shall be as prescribed by
4 federal law (42 U.S.C. Sec. 666(a)(9)), or any subsequent
5 date.

6 (d) (1) The Judicial Council, in consultation with the
7 department and representatives of the California Family
8 Support Council, the Senate Committee on Judiciary, the
9 Assembly Committee on Judiciary, and a legal services
10 organization providing representation on child support
11 matters, shall develop simplified summons, complaint,
12 and answer forms for any action for support brought
13 pursuant to this section or Section 17404. The Judicial
14 Council may combine the summons and complaint in a
15 single form.

16 (2) (A) The simplified complaint form shall provide
17 the defendant with notice of the amount of child support
18 that is sought pursuant to the guidelines set forth in
19 Article 2 (commencing with Section 4050) of Chapter 2
20 of Part 2 of Division 9 based upon the income or income
21 history of the defendant as known to the local child
22 support agency. If the defendant's income or income
23 history is unknown to the local child support agency, the
24 complaint shall inform the defendant that income shall be
25 presumed in an amount that results in a court order equal
26 to the minimum basic standard of adequate care for
27 Region I provided in Sections 11452 and 11452.018 of the
28 Welfare and Institutions Code unless information
29 concerning the defendant's income is provided to the
30 court.

31 (B) The complaint form shall be accompanied by a
32 proposed judgment. The complaint form shall include a
33 notice to the defendant that the proposed judgment will
34 become effective if he or she fails to file an answer with
35 the court within 30 days of service.

36 (3) (A) The simplified answer form shall be written in
37 simple English and shall permit a defendant to answer
38 and raise defenses by checking applicable boxes. The
39 answer form shall include instructions for completion of
40 the form and instructions for proper filing of the answer.



1 ~~(B) The answer form shall be accompanied by a blank~~
2 ~~income and expense declaration or simplified financial~~
3 ~~statement and instructions on how to complete the~~
4 ~~financial forms. The answer form shall direct the~~
5 ~~defendant to file the completed income and expense~~
6 ~~declaration or simplified financial statement with the~~
7 ~~answer, but shall state that the answer will be accepted~~
8 ~~by a court without the income and expense declaration or~~
9 ~~simplified financial statement.~~

10 ~~(C) The clerk of the court shall accept and file~~
11 ~~answers, income and expense declarations, and simplified~~
12 ~~financial statements that are completed by hand~~
13 ~~provided they are legible.~~

14 ~~(4) (A) The simplified complaint form prepared~~
15 ~~pursuant to this subdivision shall be used by the local child~~
16 ~~support agency or the Attorney General in all cases~~
17 ~~brought under this section or Section 17404.~~

18 ~~(B) The simplified answer form prepared pursuant to~~
19 ~~this subdivision shall be served on all defendants with the~~
20 ~~simplified complaint. Failure to serve the simplified~~
21 ~~answer form on all defendants shall not invalidate any~~
22 ~~judgment obtained. However, failure to serve the answer~~
23 ~~form may be used as evidence in any proceeding under~~
24 ~~Section 17432 of this code or Section 473 of the Code of~~
25 ~~Civil Procedure.~~

26 ~~(C) The Judicial Council shall add language to the~~
27 ~~governmental summons, for use by the local child support~~
28 ~~agency with the governmental complaint to establish~~
29 ~~parental relationship and child support, informing~~
30 ~~defendants that a blank answer form should have been~~
31 ~~received with the summons and additional copies may be~~
32 ~~obtained from either the local child support agency or the~~
33 ~~superior court clerk.~~

34 ~~(D) The informational materials included with the~~
35 ~~summons and complaint shall include notice of, and~~
36 ~~information about, the child support services hearings~~
37 ~~available pursuant to Section 10950 of the Welfare and~~
38 ~~Institutions Code, provided that there is federal financial~~
39 ~~participation available as set forth in subdivision (c) of~~
40 ~~Section 10950 of the Welfare and Institutions Code.~~



1 ~~(e) In any action brought or enforcement proceedings~~
2 ~~instituted by the local child support agency pursuant to~~
3 ~~this section for payment of child or spousal support, an~~
4 ~~action to recover an arrearage in support payments may~~
5 ~~be maintained by the local child support agency at any~~
6 ~~time within the period otherwise specified for the~~
7 ~~enforcement of a support judgment, notwithstanding the~~
8 ~~fact that the child has attained the age of majority.~~

9 ~~(f) The county shall undertake an outreach program~~
10 ~~to inform the public that the services described in~~
11 ~~subdivisions (a) to (e), inclusive, are available to persons~~
12 ~~not receiving public assistance. There shall be~~
13 ~~prominently displayed in every public area of every office~~
14 ~~of the agencies established by this section a notice, in clear~~
15 ~~and simple language prescribed by the Director of Child~~
16 ~~Support Services, that the services provided in~~
17 ~~subdivisions (a) to (e), inclusive, are provided to all~~
18 ~~individuals, whether or not they are recipients of public~~
19 ~~assistance.~~

20 ~~(g) (1) In any action to establish a child support order~~
21 ~~brought by the local child support agency in the~~
22 ~~performance of duties under this section, the local child~~
23 ~~support agency may make a motion for an order effective~~
24 ~~during the pendency of that action, for the support,~~
25 ~~maintenance, and education of the child or children that~~
26 ~~are the subject of the action. This order shall be referred~~
27 ~~to as an order for temporary support. This order shall~~
28 ~~have the same force and effect as a like or similar order~~
29 ~~under this code.~~

30 ~~(2) The local child support agency shall file a motion~~
31 ~~for an order for temporary support within the following~~
32 ~~time limits:~~

33 ~~(A) If the defendant is the mother, a presumed father~~
34 ~~under Section 7611, or any father where the child is at~~
35 ~~least six months old when the defendant files his or her~~
36 ~~answer, the time limit is 90 days after the defendant files~~
37 ~~an answer.~~

38 ~~(B) In any other case where the defendant has filed an~~
39 ~~answer prior to the birth of the child or not more than six~~



~~1 months after the birth of the child, then the time limit is
2 nine months after the birth of the child.~~

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

~~8 (4) If the local child support agency fails to file a
9 motion for an order for temporary support within time
10 limits specified in this section, the local child support
11 agency shall be barred from obtaining a judgment of
12 reimbursement for any support provided for that child
13 during the period between the date the time limit
14 expired and the motion was filed, or, if no motion is filed,
15 when a final judgment is entered.~~

~~16 (5) Nothing in this section prohibits the local child
17 support agency from entering into cooperative
18 arrangements with other county departments as
19 necessary to carry out the responsibilities imposed by this
20 section pursuant to plans of cooperation with the
21 departments approved by the Department of Child
22 Support Services.~~

~~23 (6) Nothing in this section shall otherwise limit the
24 ability of the local child support agency from securing and
25 enforcing orders for support of a spouse or former spouse
26 as authorized under any other provision of law.~~

~~27 (h) As used in this article, “enforcing obligations”
28 includes, but is not limited to, (1) the use of all
29 interception and notification systems operated by the
30 department for the purposes of aiding in the enforcement
31 of support obligations, (2) the obtaining by the local child
32 support agency of an initial order for child support that
33 may include medical support or that is for medical
34 support only, by civil or criminal process, (3) the
35 initiation of a motion or order to show cause to increase
36 an existing child support order, and the response to a
37 motion or order to show cause brought by an obligor
38 parent to decrease an existing child support order, or the
39 initiation of a motion or order to show cause to obtain an
40 order for medical support, and the response to a motion~~



1 ~~or order to show cause brought by an obligor parent to~~
2 ~~decrease or terminate an existing medical support order,~~
3 ~~without regard to whether the child is receiving public~~
4 ~~assistance, (4) the response to a notice of motion or order~~
5 ~~to show cause brought by an obligor parent to decrease~~
6 ~~an existing spousal support order when the child or~~
7 ~~children are residing with the obligee parent and the~~
8 ~~local child support agency is also enforcing a related child~~
9 ~~support obligation owed to the obligee parent by the~~
10 ~~same obligor, and (5) the transfer of the enforcement and~~
11 ~~collection of child support delinquencies to the Franchise~~
12 ~~Tax Board under Section 19271 of the Revenue and~~
13 ~~Taxation Code in support of the local child support~~
14 ~~agency.~~

15 (i) ~~As used in this section, “out of wedlock” means that~~
16 ~~the biological parents of the child were not married to~~
17 ~~each other at the time of the child’s conception.~~

18 (j) (1) ~~The local child support agency is the public~~
19 ~~agency responsible for administering wage withholding~~
20 ~~for current support the purposes of Title IV-D of the~~
21 ~~Social Security Act (42 U.S.C. Sec. 651 et seq.).~~

22 (2) ~~Nothing in this section shall limit the authority of~~
23 ~~the local child support agency granted by other sections~~
24 ~~of this code or otherwise granted by law, except to the~~
25 ~~extent that the law is inconsistent with the transfer of the~~
26 ~~responsibility and authority for enforcement and~~
27 ~~collection of delinquent child support to the Franchise~~
28 ~~Tax Board.~~

29 (k) ~~In the exercise of the authority granted under this~~
30 ~~article, the local child support agency may intervene,~~
31 ~~pursuant to subdivision (b) of Section 387 of the Code of~~
32 ~~Civil Procedure, by ex parte application, in any action~~
33 ~~under this code, or other proceeding in which child~~
34 ~~support is an issue or a reduction in spousal support is~~
35 ~~sought. By notice of motion, order to show cause, or~~
36 ~~responsive pleading served upon all parties to the action,~~
37 ~~the local child support agency may request any~~
38 ~~appropriate relief that the local child support agency is~~
39 ~~authorized to seek.~~



1 ~~(l) The local child support agency shall comply with~~
2 ~~any guidelines established by the department that set~~
3 ~~time standards for responding to requests for assistance~~
4 ~~in locating noncustodial parents, establishing paternity,~~
5 ~~establishing child support awards, and collecting child~~
6 ~~support payments.~~

7 ~~(m) As used in this article, medical support activities~~
8 ~~that the local child support agency is authorized to~~
9 ~~perform are limited to the following:~~

10 ~~(1) The obtaining and enforcing of court orders for~~
11 ~~health insurance coverage.~~

12 ~~(2) Any other medical support activity mandated by~~
13 ~~federal law or regulation.~~

14 ~~(n) (1) Notwithstanding any other law, venue for an~~
15 ~~action or proceeding under this division shall be~~
16 ~~determined as follows:~~

17 ~~(A) Venue shall be in the superior court in the county~~
18 ~~that is currently expending public assistance.~~

19 ~~(B) If public assistance is not currently being~~
20 ~~expended, venue shall be in the superior court in the~~
21 ~~county where the child who is entitled to current support~~
22 ~~resides or is domiciled.~~

23 ~~(C) If current support is no longer payable through, or~~
24 ~~enforceable by, the local child support agency, venue~~
25 ~~shall be in the superior court in the county that last~~
26 ~~provided public assistance for actions to enforce~~
27 ~~arrearages assigned pursuant to Section 11477 of the~~
28 ~~Welfare and Institutions Code.~~

29 ~~(D) If subparagraphs (A), (B), and (C) do not apply,~~
30 ~~venue shall be in the superior court in the county of~~
31 ~~residence of the support obligee.~~

32 ~~(E) If the support obligee does not reside in California,~~
33 ~~and subparagraphs (A), (B), (C), and (D) do not apply,~~
34 ~~venue shall be in the superior court of the county of~~
35 ~~residence of the obligor.~~

36 ~~(2) Notwithstanding paragraph (1), if the child~~
37 ~~becomes a resident of another county after an action~~
38 ~~under this part has been filed, venue may remain in the~~
39 ~~county where the action was filed until the action is~~
40 ~~completed.~~



1 ~~(o) The local child support agency of one county may~~
2 ~~appear on behalf of the local child support agency of any~~
3 ~~other county in an action or proceeding under this part.~~

4 ~~(p) To the extent not otherwise required by law, the~~
5 ~~local child support agency shall provide notice of, and~~
6 ~~information about, the child support services hearings~~
7 ~~available pursuant to Section 10950 of the Welfare and~~
8 ~~Institutions Code in any regularly issued notices to~~
9 ~~custodial and noncustodial parents, provided that there~~
10 ~~is federal financial participation available as set forth in~~
11 ~~subdivision (e) of Section 10950 of the Welfare and~~
12 ~~Institutions Code.~~

13 ~~SEC. 16.6. Section 17400 is added to the Family Code,~~
14 ~~to read:~~

15 ~~17400. (a) (1) Each county shall maintain a local~~
16 ~~child support agency, as specified in Section 17304, that~~
17 ~~shall have the responsibility for promptly and effectively~~
18 ~~establishing, modifying, and enforcing child support~~
19 ~~obligations, including medical support, enforcing spousal~~
20 ~~support orders established by a court of competent~~
21 ~~jurisdiction, and determining paternity in the case of a~~
22 ~~child born out of wedlock. The local child support agency~~
23 ~~shall take appropriate action, including criminal action in~~
24 ~~cooperation with the district attorneys, to establish,~~
25 ~~modify, and enforce child support and, when~~
26 ~~appropriate, enforce spousal support orders when the~~
27 ~~child is receiving public assistance, including Medi-Cal;~~
28 ~~and, when requested, shall take the same actions on~~
29 ~~behalf of a child who is not receiving public assistance,~~
30 ~~including Medi-Cal.~~

31 ~~(2) Notwithstanding any other provision of law, on~~
32 ~~and after January 1, 2000, the Franchise Tax Board shall~~
33 ~~have responsibility and authority for the enforcement~~
34 ~~and collection of child support delinquencies in support~~
35 ~~of the child support activities of the Department of Child~~
36 ~~Support Services, local child support agencies, and~~
37 ~~subject to all federal and state laws, regulations, and~~
38 ~~directives relating to Title IV-D child support programs.~~

39 ~~(3) (A) For purposes of paragraph (2), child support~~
40 ~~delinquency means either of the following:~~



1 ~~(i) An arrearage or otherwise past due amount that~~
2 ~~exists when an obligor fails to make any court-ordered~~
3 ~~support payment when due, the unpaid amount is more~~
4 ~~than 60 days past due, and the aggregate of the amounts~~
5 ~~described in this clause exceeds one hundred dollars~~
6 ~~(\$100).~~

7 ~~(ii) An arrearage or otherwise past due amount as~~
8 ~~defined by guidelines prescribed by the Department of~~
9 ~~Child Support Services in consultation with the Franchise~~
10 ~~Tax Board, which may include, or be limited to, interest,~~
11 ~~fees, penalties, spousal support, or medical support.~~

12 ~~(B) The local child support agency shall transfer child~~
13 ~~support delinquencies to the Franchise Tax Board in the~~
14 ~~form and manner and at the time prescribed by the~~
15 ~~Franchise Tax Board pursuant to paragraph (2) of~~
16 ~~subdivision (a) of Section 19271 of the Revenue and~~
17 ~~Taxation Code.~~

18 ~~(C) After a local child support agency transfers a~~
19 ~~delinquent child support obligation to the Franchise Tax~~
20 ~~Board pursuant to this section, the local child support~~
21 ~~agency shall continue to facilitate resolution of the child~~
22 ~~support obligation in coordination with the Franchise Tax~~
23 ~~Board.~~

24 ~~(b) If a child support delinquency exists at the time a~~
25 ~~case is opened by the local child support agency, the~~
26 ~~responsibility for the enforcement and collection of the~~
27 ~~delinquency shall be transferred to the Franchise Tax~~
28 ~~Board no later than 30 days after receipt of the case by the~~
29 ~~local child support agency. Any reference to the local~~
30 ~~child support agency in connection with the enforcement~~
31 ~~and collection of child support delinquencies shall be~~
32 ~~deemed a reference to the Franchise Tax Board. This~~
33 ~~transfer of responsibility and authority is in support of the~~
34 ~~local child support agency solely for the administration of~~
35 ~~the enforcement and collection of child support~~
36 ~~delinquencies and shall not in any manner transfer any~~
37 ~~responsibilities the local child support agency may have~~
38 ~~and any responsibilities the Department of Child Support~~
39 ~~Services may have as the Title IV-D agency. A child~~
40 ~~support delinquency, as specified in this section, shall be~~



1 ~~enforced and collected by the Franchise Tax Board~~
2 ~~pursuant to Section 19271 of the Revenue and Taxation~~
3 ~~Code.~~

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

17 ~~(d) (1) The Judicial Council, in consultation with the~~
18 ~~department and representatives of the California Family~~
19 ~~Support Council, the Senate Committee on Judiciary, the~~
20 ~~Assembly Committee on Judiciary, and a legal services~~
21 ~~organization providing representation on child support~~
22 ~~matters, shall develop simplified summons, complaint,~~
23 ~~and answer forms for any action for support brought~~
24 ~~pursuant to this section or Section 17404. The Judicial~~
25 ~~Council may combine the summons and complaint in a~~
26 ~~single form.~~

27 ~~(2) (A) The simplified complaint form shall provide~~
28 ~~the defendant with notice of the amount of child support~~
29 ~~that is sought pursuant to the guidelines set forth in~~
30 ~~Article 2 (commencing with Section 4050) of Chapter 2~~
31 ~~of Part 2 of Division 9 based upon the income or income~~
32 ~~history of the defendant as known to the local child~~
33 ~~support agency. If the defendant's income or income~~
34 ~~history is unknown to the local child support agency, the~~
35 ~~complaint shall inform the defendant that income shall be~~
36 ~~presumed in an amount that results in a court order equal~~
37 ~~to the minimum basic standard of adequate care for~~
38 ~~Region I provided in Sections 11452 and 11452.018 of the~~
39 ~~Welfare and Institutions Code unless information~~



1 concerning the defendant's income is provided to the
2 court.

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

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

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

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

26 (4) (A) The simplified complaint form prepared
27 pursuant to this subdivision shall be used by the local child
28 support agency or the Attorney General in all cases
29 brought under this section or Section 17404.

30 (B) The simplified answer form prepared pursuant to
31 this subdivision shall be served on all defendants with the
32 simplified complaint. Failure to serve the simplified
33 answer form on all defendants shall not invalidate any
34 judgment obtained. However, failure to serve the answer
35 form may be used as evidence in any proceeding under
36 Section 17432 of this code or Section 473 of the Code of
37 Civil Procedure.

38 (C) The Judicial Council shall add language to the
39 governmental summons, for use by the local child support
40 agency with the governmental complaint to establish



1 parental relationship and child support, informing
2 defendants that a blank answer form should have been
3 received with the summons and additional copies may be
4 obtained from either the local child support agency or the
5 superior court clerk.

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

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

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

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



1 ~~have the same force and effect as a like or similar order~~
2 ~~under this code.~~

3 ~~(2) The local child support agency shall file a motion~~
4 ~~for an order for temporary support within the following~~
5 ~~time limits:~~

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

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

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

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

28 ~~(5) Nothing in this section prohibits the local child~~
29 ~~support agency from entering into cooperative~~
30 ~~arrangements with other county departments as~~
31 ~~necessary to carry out the responsibilities imposed by this~~
32 ~~section pursuant to plans of cooperation with the~~
33 ~~departments approved by the Department of Child~~
34 ~~Support Services.~~

35 ~~(6) Nothing in this section shall otherwise limit the~~
36 ~~ability of the local child support agency from securing and~~
37 ~~enforcing orders for support of a spouse or former spouse~~
38 ~~as authorized under any other provision of law.~~

39 ~~(h) As used in this article, “enforcing obligations”~~
40 ~~includes, but is not limited to, (1) the use of all~~



1 ~~interception and notification systems operated by the~~
2 ~~department for the purposes of aiding in the enforcement~~
3 ~~of support obligations, (2) the obtaining by the local child~~
4 ~~support agency of an initial order for child support that~~
5 ~~may include medical support or that is for medical~~
6 ~~support only, by civil or criminal process, (3) the~~
7 ~~initiation of a motion or order to show cause to increase~~
8 ~~an existing child support order, and the response to a~~
9 ~~motion or order to show cause brought by an obligor~~
10 ~~parent to decrease an existing child support order, or the~~
11 ~~initiation of a motion or order to show cause to obtain an~~
12 ~~order for medical support, and the response to a motion~~
13 ~~or order to show cause brought by an obligor parent to~~
14 ~~decrease or terminate an existing medical support order,~~
15 ~~without regard to whether the child is receiving public~~
16 ~~assistance, (4) the response to a notice of motion or order~~
17 ~~to show cause brought by an obligor parent to decrease~~
18 ~~an existing spousal support order when the child or~~
19 ~~children are residing with the obligee parent and the~~
20 ~~local child support agency is also enforcing a related child~~
21 ~~support obligation owed to the obligee parent by the~~
22 ~~same obligor, and (5) the transfer of the enforcement and~~
23 ~~collection of child support delinquencies to the Franchise~~
24 ~~Tax Board to enforce the collection of child support~~
25 ~~delinquencies under Section 19271 of the Revenue and~~
26 ~~Taxation Code in support of the local child support~~
27 ~~agency.~~

28 (i) As used in this section, “out of wedlock” means that
29 the biological parents of the child were not married to
30 each other at the time of the child’s conception.

31 (j) (1) The local child support agency is the public
32 agency responsible for administering wage withholding
33 for current support for the purposes of Title IV-D of the
34 Social Security Act (42 U.S.C. Sec. 651 et seq.).

35 (2) Nothing in this section shall limit the authority of
36 the local child support agency granted by other sections
37 of this code or otherwise granted by law, except to the
38 extent that the law is inconsistent with the transfer of the
39 responsibility and authority for enforcement and



1 ~~collection of delinquent child support to the Franchise~~
2 ~~Tax Board.~~

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

14 ~~(l) The local child support agency shall comply with~~
15 ~~any guidelines established by the department that set~~
16 ~~time standards for responding to requests for assistance~~
17 ~~in locating noncustodial parents, establishing paternity,~~
18 ~~establishing child support awards, and collecting child~~
19 ~~support payments.~~

20 ~~(m) As used in this article, medical support activities~~
21 ~~that the local child support agency is authorized to~~
22 ~~perform are limited to the following:~~

23 ~~(1) The obtaining and enforcing of court orders for~~
24 ~~health insurance coverage.~~

25 ~~(2) Any other medical support activity mandated by~~
26 ~~federal law or regulation.~~

27 ~~(n) (1) Notwithstanding any other law, venue for an~~
28 ~~action or proceeding under this division shall be~~
29 ~~determined as follows:~~

30 ~~(A) Venue shall be in the superior court in the county~~
31 ~~that is currently expending public assistance.~~

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

36 ~~(C) If current support is no longer payable through, or~~
37 ~~enforceable by, the local child support agency, venue~~
38 ~~shall be in the superior court in the county that last~~
39 ~~provided public assistance for actions to enforce~~



1 ~~arrearages assigned pursuant to Section 11477 of the~~
2 ~~Welfare and Institutions Code.~~

3 ~~(D) If subparagraphs (A), (B), and (C) do not apply,~~
4 ~~venue shall be in the superior court in the county of~~
5 ~~residence of the support obligee.~~

6 ~~(E) If the support obligee does not reside in California,~~
7 ~~and subparagraphs (A), (B), (C), and (D) do not apply,~~
8 ~~venue shall be in the superior court of the county of~~
9 ~~residence of the obligor.~~

10 ~~(2) Notwithstanding paragraph (1), if the child~~
11 ~~becomes a resident of another county after an action~~
12 ~~under this part has been filed, venue may remain in the~~
13 ~~county where the action was filed until the action is~~
14 ~~completed.~~

15 ~~(o) The local child support agency of one county may~~
16 ~~appear on behalf of the local child support agency of any~~
17 ~~other county in an action or proceeding under this part.~~

18 ~~(p) To the extent not otherwise required by law, the~~
19 ~~local child support agency shall provide notice of, and~~
20 ~~information about, the child support services hearings~~
21 ~~available pursuant to Section 10950 of the Welfare and~~
22 ~~Institutions Code in any regularly issued notices to~~
23 ~~eustodial and noneustodial parents, provided that there~~
24 ~~is federal financial participation available as set forth in~~
25 ~~subdivision (e) of Section 10950 of the Welfare and~~
26 ~~Institutions Code.~~

27 ~~SEC. 17.~~

28 *SEC. 14. Section 17400 of the Family Code, as added*
29 *by Assembly Bill 196 of the 1999–2000 Regular Session, is*
30 *amended to read:*

31 17400. (a) (1) Each county shall maintain a local
32 child support agency, as specified in Section 17304, that
33 shall have the responsibility for promptly and effectively
34 establishing, modifying, and enforcing child support
35 obligations, including medical support, enforcing spousal
36 support orders established by a court of competent
37 jurisdiction, and determining paternity in the case of a
38 child born out of wedlock. The local child support agency
39 shall take appropriate action, including criminal action in
40 cooperation with the district attorneys, to establish,



1 modify, and enforce child support and, when
2 appropriate, enforce spousal support orders when the
3 child is receiving public assistance, including Medi-Cal,
4 and, when requested, shall take the same actions on
5 behalf of a child who is not receiving public assistance,
6 including Medi-Cal.

7 (2) Notwithstanding any other provision of law, on
8 and after January 1, 2000, the Franchise Tax Board shall
9 have responsibility and authority for the enforcement
10 and collection of child support delinquencies in support
11 of the child support activities of the Department of Child
12 Support Services, local child support agencies, and
13 subject to all federal and state laws, regulations, and
14 directives relating to Title IV-D child support programs.

15 (3) (A) For purposes of paragraph (2), “child support
16 delinquency” means any of the following:

17 (i) (I) An arrearage or otherwise past due amount
18 that exists when an obligor fails to make any
19 court-ordered support payment when due.

20 (II) The unpaid amount is more than ~~30~~ 60 days past
21 due.

22 (III) The aggregate of all amounts described in
23 subclauses (I) and (II) exceeds one hundred dollars
24 (\$100).

25 (ii) As otherwise defined by guidelines prescribed by
26 the Department of Child Support Services in consultation
27 with the Franchise Tax Board and may include or be
28 limited to interest, fees, penalties, spousal support, or
29 medical support.

30 (B) The local child support agency shall transfer child
31 support delinquencies to the Franchise Tax Board in the
32 form and manner and at the time prescribed by the
33 Franchise Tax Board pursuant to paragraph (2) of
34 subdivision (a) of Section 19271 of the Revenue and
35 Taxation Code.

36 (C) After a local child support agency transfers a
37 delinquent child support obligation to the Franchise Tax
38 Board pursuant to this section, the local child support
39 agency shall continue to facilitate resolution of the child



1 support obligation in coordination with the Franchise Tax
2 Board.

3 (b) If a child support delinquency exists at the time a
4 case is opened by the local child support agency, the
5 responsibility for the enforcement and collection of the
6 delinquency shall be transferred to the Franchise Tax
7 Board no later than 30 days after receipt of the case by the
8 local child support agency. Any reference to the local
9 child support agency in connection with the enforcement
10 and collection of child support delinquencies shall be
11 deemed a reference to the Franchise Tax Board. This
12 transfer of responsibility and authority is in support of the
13 local child support agency solely for the administration of
14 the enforcement and collection of child support
15 delinquencies and shall not in any manner transfer any
16 responsibilities the local child support agency may have
17 and any responsibilities the Department of Child Support
18 Services may have as the Title IV-D agency. A child
19 support delinquency, as specified in this section, shall be
20 enforced and collected by the Franchise Tax Board
21 pursuant to Section 19271 of the Revenue and Taxation
22 Code.

23 (c) Actions brought by the local child support agency
24 to establish paternity or child support or to enforce child
25 support obligations shall be completed within the time
26 limits set forth by federal law. The local child support
27 agency's responsibility applies to spousal support only
28 where the spousal support obligation has been reduced to
29 an order of a court of competent jurisdiction. In any
30 action brought for modification or revocation of an order
31 that is being enforced under Title IV-D of the Social
32 Security Act (42 U.S.C. Sec. 651 et seq.), the effective date
33 of the modification or revocation shall be as prescribed by
34 federal law (42 U.S.C. Sec. 666(a)(9)), or any subsequent
35 date.

36 (d) (1) The Judicial Council, in consultation with the
37 department and representatives of the California Family
38 Support Council, the Senate Committee on Judiciary, the
39 Assembly Committee on Judiciary, and a legal services
40 organization providing representation on child support



1 matters, shall develop simplified summons, complaint,
2 and answer forms for any action for support brought
3 pursuant to this section or Section 17404. The Judicial
4 Council may combine the summons and complaint in a
5 single form.

6 (2) The simplified complaint form shall provide the
7 defendant with notice of the amount of child support that
8 is sought pursuant to the guidelines set forth in Article 2
9 (commencing with Section 4050) of Chapter 2 of Part 2
10 of Division 9 based upon the income or income history of
11 the defendant as known to the local child support agency.
12 If the defendant's income or income history is unknown
13 to the local child support agency, the complaint shall
14 inform the defendant that income shall be presumed in
15 an amount that results in a court order equal to the
16 minimum basic standard of adequate care *for Region I*
17 provided in ~~Section~~ Sections 11452 and 11452.018 of the
18 Welfare and Institutions Code unless information
19 concerning the defendant's income is provided to the
20 court. The complaint form shall be accompanied by a
21 proposed judgment. The complaint form shall include a
22 notice to the defendant that the proposed judgment will
23 become effective if he or she fails to file an answer with
24 the court within 30 days of service.

25 (3) (A) The simplified answer form shall be written in
26 simple English and shall permit a defendant to answer
27 and raise defenses by checking applicable boxes. The
28 answer form shall include instructions for completion of
29 the form and instructions for proper filing of the answer.

30 (B) The answer form shall be accompanied by a blank
31 income and expense declaration or simplified financial
32 statement and instructions on how to complete the
33 financial forms. The answer form shall direct the
34 defendant to file the completed income and expense
35 declaration or simplified financial statement with the
36 answer, but shall state that the answer will be accepted
37 by a court without the income and expense declaration or
38 simplified financial statement.

39 (C) The clerk of the court shall accept and file
40 answers, income and expense declarations, and simplified



1 financial statements that are completed by hand
2 provided they are legible.

3 (4) (A) The simplified complaint form prepared
4 pursuant to this subdivision shall be used by the local child
5 support agency or the Attorney General in all cases
6 brought under this section or Section 17404.

7 (B) The simplified answer form prepared pursuant to
8 this subdivision shall be served on all defendants with the
9 simplified complaint. Failure to serve the simplified
10 answer form on all defendants shall not invalidate any
11 judgment obtained. However, failure to serve the answer
12 form may be used as evidence in any proceeding under
13 Section 17432 of this code or Section 473 of the Code of
14 Civil Procedure.

15 (C) The Judicial Council shall add language to the
16 governmental summons, for use by the local child support
17 agency with the governmental complaint to establish
18 parental relationship and child support, informing
19 defendants that a blank answer form should have been
20 received with the summons and additional copies may be
21 obtained from either the local child support agency or the
22 superior court clerk.

23 (e) In any action brought or enforcement proceedings
24 instituted by the local child support agency pursuant to
25 this section for payment of child or spousal support, an
26 action to recover an arrearage in support payments may
27 be maintained by the local child support agency at any
28 time within the period otherwise specified for the
29 enforcement of a support judgment, notwithstanding the
30 fact that the child has attained the age of majority.

31 (f) The county shall undertake an outreach program
32 to inform the public that the services described in
33 subdivisions (a) to (c), inclusive, are available to persons
34 not receiving public assistance. There shall be
35 prominently displayed in every public area of every office
36 of the agencies established by this section a notice, in clear
37 and simple language prescribed by the Director of Child
38 Support Services, that the services provided in
39 subdivisions (a) to (c), inclusive, are provided to all



1 individuals, whether or not they are recipients of public
2 assistance.

3 (g) (1) In any action to establish a child support order
4 brought by the local child support agency in the
5 performance of duties under this section, the local child
6 support agency may make a motion for an order effective
7 during the pendency of that action, for the support,
8 maintenance, and education of the child or children that
9 are the subject of the action. This order shall be referred
10 to as an order for temporary support. This order shall
11 have the same force and effect as a like or similar order
12 under this code.

13 (2) The local child support agency shall file a motion
14 for an order for temporary support within the following
15 time limits:

16 (A) If the defendant is the mother, a presumed father
17 under Section 7611, or any father where the child is at
18 least six months old when the defendant files his answer,
19 the time limit is 90 days after the defendant files an
20 answer.

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

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

30 (4) If the local child support agency fails to file a
31 motion for an order for temporary support within time
32 limits specified in this section, the local child support
33 agency shall be barred from obtaining a judgment of
34 reimbursement for any support provided for that child
35 during the period between the date the time limit
36 expired and the motion was filed, or, if no ~~such~~ motion is
37 filed, when a final judgment is entered.

38 (5) Nothing in this section prohibits the local child
39 support agency from entering into cooperative
40 arrangements with other county departments as



1 necessary to carry out the responsibilities imposed by this
2 section pursuant to plans of cooperation with the
3 departments approved by the Department of Child
4 Support Services.

5 (6) Nothing in this section shall otherwise limit the
6 ability of the local child support agency from securing and
7 enforcing orders for support of a spouse or former spouse
8 as authorized under any other provision of law.

9 (h) As used in this article, “enforcing obligations”
10 includes, but is not limited to, (1) the use of all
11 interception and notification systems operated by the
12 department for the purposes of aiding in the enforcement
13 of support obligations, (2) the obtaining by the local child
14 support agency of an initial order for child support that
15 may include medical support or that is for medical
16 support only, by civil or criminal process, (3) the
17 initiation of a motion or order to show cause to increase
18 an existing child support order, and the response to a
19 motion or order to show cause brought by an obligor
20 parent to decrease an existing child support order, or the
21 initiation of a motion or order to show cause to obtain an
22 order for medical support, and the response to a motion
23 or order to show cause brought by an obligor parent to
24 decrease or terminate an existing medical support order,
25 without regard to whether the child is receiving public
26 assistance, (4) the response to a notice of motion or order
27 to show cause brought by an obligor parent to decrease
28 an existing spousal support order when the child or
29 children are residing with the obligee parent and the
30 local child support agency is also enforcing a related child
31 support obligation owed to the obligee parent by the
32 same obligor, and (5) the transfer of the enforcement and
33 collection of child support delinquencies to the Franchise
34 Tax Board under Section 19271 of the Revenue and
35 Taxation Code in support of the local child support
36 agency.

37 (i) As used in this section, “out of wedlock” means that
38 the biological parents of the child were not married to
39 each other at the time of the child’s conception.



1 (j) (1) The local child support agency is the public
2 agency responsible for administering wage withholding
3 for current support the purposes of Title IV-D of the
4 Social Security Act (42 U.S.C. Sec. 651 et seq.).

5 (2) Nothing in this section shall limit the authority of
6 the local child support agency granted by other sections
7 of this code or otherwise granted by law, except to the
8 extent that the law is inconsistent with the transfer of the
9 responsibility and authority for enforcement and
10 collection of delinquent child support to the Franchise
11 Tax Board.

12 (k) In the exercise of the authority granted under this
13 article, the local child support agency may intervene,
14 pursuant to subdivision (b) of Section 387 of the Code of
15 Civil Procedure, by ex parte application, in any action
16 under this code, or other proceeding in which child
17 support is an issue or a reduction in spousal support is
18 sought. By notice of motion, order to show cause, or
19 responsive pleading served upon all parties to the action,
20 the local child support agency may request any relief that
21 is appropriate that the local child support agency is
22 authorized to seek.

23 (l) The local child support agency shall comply with
24 any guidelines established by the department that set
25 time standards for responding to requests for assistance
26 in locating noncustodial parents, establishing paternity,
27 establishing child support awards, and collecting child
28 support payments.

29 (m) As used in this article, medical support activities
30 that the local child support agency is authorized to
31 perform are limited to the following:

32 (1) The obtaining and enforcing of court orders for
33 health insurance coverage.

34 (2) Any other medical support activity mandated by
35 federal law or regulation.

36 (n) (1) Notwithstanding any other law, venue for an
37 action or proceeding under this division shall be
38 determined as follows:

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



1 (B) If public assistance is not currently being
2 expended, venue shall be in the superior court in the
3 county where the child who is entitled to current support
4 resides or is domiciled.

5 (C) If current support is no longer payable through, or
6 enforceable by, the local child support agency, venue
7 shall be in the superior court in the county that last
8 provided public assistance for actions to enforce
9 arrearages assigned pursuant to Section 11477 of the
10 Welfare and Institutions Code.

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

14 (E) If the support obligee does not reside in California,
15 and subparagraphs (A), (B), (C), and (D) do not apply,
16 venue shall be in the superior court of the county of
17 residence of the obligor.

18 (2) Notwithstanding paragraph (1), if the child
19 becomes a resident of another county after an action
20 under this part has been filed, venue may remain in the
21 county where the action was filed until the action is
22 completed.

23 (o) The local child support agency of one county may
24 appear on behalf of the local child support agency of any
25 other county in an action or proceeding under this part.

26 *SEC. 14.2. Section 17400 of the Family Code, as added*
27 *by Assembly Bill 196 of the 1999–2000 Regular Session, is*
28 *amended to read:*

29 17400. (a) ~~(1)~~—Each county shall maintain a local
30 child support agency, as specified in Section 17304, that
31 shall have the responsibility for promptly and effectively
32 establishing, modifying, and enforcing child support
33 obligations, including medical support, enforcing spousal
34 support orders established by a court of competent
35 jurisdiction, and determining paternity in the case of a
36 child born out of wedlock. The local child support agency
37 shall take appropriate action, including criminal action in
38 cooperation with the district attorneys, to establish,
39 modify, and enforce child support and, when
40 appropriate, enforce spousal support orders when the



1 child is receiving public assistance, including Medi-Cal,
2 and, when requested, shall take the same actions on
3 behalf of a child who is not receiving public assistance,
4 including Medi-Cal.

5 ~~(2) Notwithstanding any other provision of law, on~~
6 ~~and after January 1, 2000, the Franchise Tax Board shall~~
7 ~~have responsibility and authority for the enforcement~~
8 ~~and collection of child support delinquencies in support~~
9 ~~of the child support activities of the Department of Child~~
10 ~~Support Services, local child support agencies, and~~
11 ~~subject to all federal and state laws, regulations, and~~
12 ~~directives relating to Title IV-D child support programs.~~

13 ~~(3) (A) For purposes of paragraph (2), “child support~~
14 ~~delinquency” means any of the following:~~

15 ~~(i) (I) An arrearage or otherwise past due amount~~
16 ~~that exists when an obligor fails to make any~~
17 ~~court-ordered support payment when due.~~

18 ~~(II) The unpaid amount is more than 30 days past due.~~

19 ~~(III) The aggregate of all amounts described in~~
20 ~~subclauses (I) and (II) exceeds one hundred dollars~~
21 ~~(\$100).~~

22 ~~(ii) As otherwise defined by guidelines prescribed by~~
23 ~~the Department of Child Support Services in consultation~~
24 ~~with the Franchise Tax Board and may include or be~~
25 ~~limited to interest, fees, penalties, spousal support, or~~
26 ~~medical support.~~

27 ~~(B) The local child support agency shall transfer child~~
28 ~~support delinquencies to the Franchise Tax Board in the~~
29 ~~form and manner and at the time prescribed by the~~
30 ~~Franchise Tax Board pursuant to paragraph (2) of~~
31 ~~subdivision (a) of Section 19271 of the Revenue and~~
32 ~~Taxation Code.~~

33 ~~(C) After a local child support agency transfers a~~
34 ~~delinquent child support obligation to the Franchise Tax~~
35 ~~Board pursuant to this section, the local child support~~
36 ~~agency shall continue to facilitate resolution of the child~~
37 ~~support obligation in coordination with the Franchise Tax~~
38 ~~Board.~~

39 ~~(b) If a child support delinquency exists at the time a~~
40 ~~case is opened by the local child support agency, the~~



1 responsibility for the enforcement and collection of the
2 delinquency shall be transferred to the Franchise Tax
3 Board no later than 30 days after receipt of the case by the
4 local child support agency. Any reference to the local
5 child support agency in connection with the enforcement
6 and collection of child support delinquencies shall be
7 deemed a reference to the Franchise Tax Board. This
8 transfer of responsibility and authority is in support of the
9 local child support agency solely for the administration of
10 the enforcement and collection of child support
11 delinquencies and shall not in any manner transfer any
12 responsibilities the local child support agency may have
13 and any responsibilities the Department of Child Support
14 Services may have as the Title IV-D agency. A child
15 support delinquency, as specified in this section, shall be
16 enforced and collected by the Franchise Tax Board
17 pursuant to Section 19271 of the Revenue and Taxation
18 Code.

19 (e)

20 (b) Actions brought by the local child support agency
21 to establish paternity or child support or to enforce child
22 support obligations shall be completed within the time
23 limits set forth by federal law. The local child support
24 agency's responsibility applies to spousal support only
25 where the spousal support obligation has been reduced to
26 an order of a court of competent jurisdiction. In any
27 action brought for modification or revocation of an order
28 that is being enforced under Title IV-D of the Social
29 Security Act (42 U.S.C. Sec. 651 et seq.), the effective date
30 of the modification or revocation shall be as prescribed by
31 federal law (42 U.S.C. Sec. 666(a)(9)), or any subsequent
32 date.

33 (d)

34 (c) (1) The Judicial Council, in consultation with the
35 department and representatives of the California Family
36 Support Council, the Senate Committee on Judiciary, the
37 Assembly Committee on Judiciary, and a legal services
38 organization providing representation on child support
39 matters, shall develop simplified summons, complaint,
40 and answer forms for any action for support brought



1 pursuant to this section or Section 17404. The Judicial
2 Council may combine the summons and complaint in a
3 single form.

4 (2) The simplified complaint form shall provide the
5 defendant with notice of the amount of child support that
6 is sought pursuant to the guidelines set forth in Article 2
7 (commencing with Section 4050) of Chapter 2 of Part 2
8 of Division 9 based upon the income or income history of
9 the defendant as known to the local child support agency.
10 If the defendant's income or income history is unknown
11 to the local child support agency, the complaint shall
12 inform the defendant that income shall be presumed in
13 an amount that results in a court order equal to the
14 minimum basic standard of adequate care *for Region I*
15 provided in ~~Section~~ *Sections 11452 and 11452.018* of the
16 Welfare and Institutions Code unless information
17 concerning the defendant's income is provided to the
18 court. The complaint form shall be accompanied by a
19 proposed judgment. The complaint form shall include a
20 notice to the defendant that the proposed judgment will
21 become effective if he or she fails to file an answer with
22 the court within 30 days of service.

23 (3) (A) The simplified answer form shall be written in
24 simple English and shall permit a defendant to answer
25 and raise defenses by checking applicable boxes. The
26 answer form shall include instructions for completion of
27 the form and instructions for proper filing of the answer.

28 (B) The answer form shall be accompanied by a blank
29 income and expense declaration or simplified financial
30 statement and instructions on how to complete the
31 financial forms. The answer form shall direct the
32 defendant to file the completed income and expense
33 declaration or simplified financial statement with the
34 answer, but shall state that the answer will be accepted
35 by a court without the income and expense declaration or
36 simplified financial statement.

37 (C) The clerk of the court shall accept and file
38 answers, income and expense declarations, and simplified
39 financial statements that are completed by hand
40 provided they are legible.



1 (4) (A) The simplified complaint form prepared
2 pursuant to this subdivision shall be used by the local child
3 support agency or the Attorney General in all cases
4 brought under this section or Section 17404.

5 (B) The simplified answer form prepared pursuant to
6 this subdivision shall be served on all defendants with the
7 simplified complaint. Failure to serve the simplified
8 answer form on all defendants shall not invalidate any
9 judgment obtained. However, failure to serve the answer
10 form may be used as evidence in any proceeding under
11 Section 17432 of this code or Section 473 of the Code of
12 Civil Procedure.

13 (C) The Judicial Council shall add language to the
14 governmental summons, for use by the local child support
15 agency with the governmental complaint to establish
16 parental relationship and child support, informing
17 defendants that a blank answer form should have been
18 received with the summons and additional copies may be
19 obtained from either the local child support agency or the
20 superior court clerk.

21 ~~(e)~~

22 (d) In any action brought or enforcement proceedings
23 instituted by the local child support agency pursuant to
24 this section for payment of child or spousal support, an
25 action to recover an arrearage in support payments may
26 be maintained by the local child support agency at any
27 time within the period otherwise specified for the
28 enforcement of a support judgment, notwithstanding the
29 fact that the child has attained the age of majority.

30 ~~(f)~~

31 (e) The county shall undertake an outreach program
32 to inform the public that the services described in
33 subdivisions (a) to (c), inclusive, are available to persons
34 not receiving public assistance. There shall be
35 prominently displayed in every public area of every office
36 of the agencies established by this section a notice, in clear
37 and simple language prescribed by the Director of Child
38 Support Services, that the services provided in
39 subdivisions (a) to (c), inclusive, are provided to all



1 individuals, whether or not they are recipients of public
2 assistance.

3 ~~(g)~~

4 (f) (1) In any action to establish a child support order
5 brought by the local child support agency in the
6 performance of duties under this section, the local child
7 support agency may make a motion for an order effective
8 during the pendency of that action, for the support,
9 maintenance, and education of the child or children that
10 are the subject of the action. This order shall be referred
11 to as an order for temporary support. This order shall
12 have the same force and effect as a like or similar order
13 under this code.

14 (2) The local child support agency shall file a motion
15 for an order for temporary support within the following
16 time limits:

17 (A) If the defendant is the mother, a presumed father
18 under Section 7611, or any father where the child is at
19 least six months old when the defendant files his answer,
20 the time limit is 90 days after the defendant files an
21 answer.

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

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

31 (4) If the local child support agency fails to file a
32 motion for an order for temporary support within time
33 limits specified in this section, the local child support
34 agency shall be barred from obtaining a judgment of
35 reimbursement for any support provided for that child
36 during the period between the date the time limit
37 expired and the motion was filed, or, if no ~~such~~ motion is
38 filed, when a final judgment is entered.

39 ~~Nothing~~ *Except as provided in Section 17304,*
40 *nothing* in this section prohibits the local child support



1 agency from entering into cooperative arrangements
2 with other county departments as necessary to carry out
3 the responsibilities imposed by this section pursuant to
4 plans of cooperation with the departments approved by
5 the Department of Child Support Services.

6 (6) Nothing in this section shall otherwise limit the
7 ability of the local child support agency from securing and
8 enforcing orders for support of a spouse or former spouse
9 as authorized under any other provision of law.

10 (h)

11 (g) As used in this article, “enforcing obligations”
12 includes, but is not limited to, (1) the use of all
13 interception and notification systems operated by the
14 department for the purposes of aiding in the enforcement
15 of support obligations, (2) the obtaining by the local child
16 support agency of an initial order for child support that
17 may include medical support or that is for medical
18 support only, by civil or criminal process, (3) the
19 initiation of a motion or order to show cause to increase
20 an existing child support order, and the response to a
21 motion or order to show cause brought by an obligor
22 parent to decrease an existing child support order, or the
23 initiation of a motion or order to show cause to obtain an
24 order for medical support, and the response to a motion
25 or order to show cause brought by an obligor parent to
26 decrease or terminate an existing medical support order,
27 without regard to whether the child is receiving public
28 assistance, (4) the response to a notice of motion or order
29 to show cause brought by an obligor parent to decrease
30 an existing spousal support order when the child or
31 children are residing with the obligee parent and the
32 local child support agency is also enforcing a related child
33 support obligation owed to the obligee parent by the
34 same obligor, and (5) the transfer of the ~~enforcement and~~
35 ~~collection~~ *accounts receivable management* of child
36 support delinquencies to the Franchise Tax Board under
37 ~~Section 19271 of the Revenue and Taxation Code 17501~~ in
38 support of the local child support agency.

39 (i)

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

4 ~~(j)~~

5 (i) (1) The local child support agency is the public
6 agency responsible for administering wage withholding
7 for current support the purposes of Title IV-D of the
8 Social Security Act (42 U.S.C. Sec. 651 et seq.).

9 (2) Nothing in this section shall limit the authority of
10 the local child support agency granted by other sections
11 of this code or otherwise granted by law, except to the
12 extent that the law is inconsistent with the transfer of the
13 responsibility ~~and authority~~ for ~~enforcement and~~
14 ~~collection~~ *accounts receivable management* of
15 delinquent child support to the Franchise Tax Board.

16 ~~(k)~~

17 (j) In the exercise of the authority granted under this
18 article, the local child support agency may intervene,
19 pursuant to subdivision (b) of Section 387 of the Code of
20 Civil Procedure, by ex parte application, in any action
21 under this code, or other proceeding in which child
22 support is an issue or a reduction in spousal support is
23 sought. By notice of motion, order to show cause, or
24 responsive pleading served upon all parties to the action,
25 the local child support agency may request any relief that
26 is appropriate that the local child support agency is
27 authorized to seek.

28 ~~(l)~~

29 (k) The local child support agency shall comply with
30 ~~any guidelines~~ *all regulations and directives* established
31 by the department that set time standards for responding
32 to requests for assistance in locating noncustodial parents,
33 establishing paternity, establishing child support awards,
34 and collecting child support payments.

35 ~~(m)~~

36 (l) As used in this article, medical support activities
37 that the local child support agency is authorized to
38 perform are limited to the following:

39 (1) The obtaining and enforcing of court orders for
40 health insurance coverage.



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

3 ~~(n)~~

4 (m) (1) Notwithstanding any other law, venue for an
5 action or proceeding under this division shall be
6 determined as follows:

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

9 (B) If public assistance is not currently being
10 expended, venue shall be in the superior court in the
11 county where the child who is entitled to current support
12 resides or is domiciled.

13 (C) If current support is no longer payable through, or
14 enforceable by, the local child support agency, venue
15 shall be in the superior court in the county that last
16 provided public assistance for actions to enforce
17 arrearages assigned pursuant to Section 11477 of the
18 Welfare and Institutions Code.

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

22 (E) If the support obligee does not reside in California,
23 and subparagraphs (A), (B), (C), and (D) do not apply,
24 venue shall be in the superior court of the county of
25 residence of the obligor.

26 (2) Notwithstanding paragraph (1), if the child
27 becomes a resident of another county after an action
28 under this part has been filed, venue may remain in the
29 county where the action was filed until the action is
30 completed.

31 ~~(o)~~

32 (n) The local child support agency of one county may
33 appear on behalf of the local child support agency of any
34 other county in an action or proceeding under this part.

35 *SEC. 14.4. Section 17400 of the Family Code, as added*
36 *by Assembly Bill 196 of the 1999-2000 Regular Session, is*
37 *amended to read:*

38 17400. (a) (1) Each county shall maintain a local
39 child support agency, as specified in Section 17304, that
40 shall have the responsibility for promptly and effectively



1 establishing, modifying, and enforcing child support
2 obligations, including medical support, enforcing spousal
3 support orders established by a court of competent
4 jurisdiction, and determining paternity in the case of a
5 child born out of wedlock. The local child support agency
6 shall take appropriate action, including criminal action in
7 cooperation with the district attorneys, to establish,
8 modify, and enforce child support and, when
9 appropriate, enforce spousal support orders when the
10 child is receiving public assistance, including Medi-Cal,
11 and, when requested, shall take the same actions on
12 behalf of a child who is not receiving public assistance,
13 including Medi-Cal.

14 (2) Notwithstanding any other provision of law, on
15 and after January 1, 2000, the Franchise Tax Board shall
16 have responsibility and authority for the enforcement
17 and collection of child support delinquencies in support
18 of the child support activities of the Department of Child
19 Support Services, local child support agencies, and
20 subject to all federal and state laws, regulations, and
21 directives relating to Title IV-D child support programs.

22 (3) (A) For purposes of paragraph (2), “child support
23 delinquency” means any of the following:

24 (i) (I) An arrearage or otherwise past due amount
25 that exists when an obligor fails to make any
26 court-ordered support payment when due.

27 (II) The unpaid amount is more than ~~30~~ 60 days past
28 due.

29 (III) The aggregate of all amounts described in
30 subclauses (I) and (II) exceeds one hundred dollars
31 (\$100).

32 (ii) As otherwise defined by guidelines prescribed by
33 the Department of Child Support Services in consultation
34 with the Franchise Tax Board and may include or be
35 limited to interest, fees, penalties, spousal support, or
36 medical support.

37 (B) The local child support agency shall transfer child
38 support delinquencies to the Franchise Tax Board in the
39 form and manner and at the time prescribed by the
40 Franchise Tax Board pursuant to paragraph (2) of



1 subdivision (a) of Section 19271 of the Revenue and
2 Taxation Code.

3 (C) After a local child support agency transfers a
4 delinquent child support obligation to the Franchise Tax
5 Board pursuant to this section, the local child support
6 agency shall continue to facilitate resolution of the child
7 support obligation in coordination with the Franchise Tax
8 Board.

9 (b) If a child support delinquency exists at the time a
10 case is opened by the local child support agency, the
11 responsibility for the enforcement and collection of the
12 delinquency shall be transferred to the Franchise Tax
13 Board no later than 30 days after receipt of the case by the
14 local child support agency. Any reference to the local
15 child support agency in connection with the enforcement
16 and collection of child support delinquencies shall be
17 deemed a reference to the Franchise Tax Board. This
18 transfer of responsibility and authority is in support of the
19 local child support agency solely for the administration of
20 the enforcement and collection of child support
21 delinquencies and shall not in any manner transfer any
22 responsibilities the local child support agency may have
23 and any responsibilities the Department of Child Support
24 Services may have as the Title IV-D agency. A child
25 support delinquency, as specified in this section, shall be
26 enforced and collected by the Franchise Tax Board
27 pursuant to Section 19271 of the Revenue and Taxation
28 Code.

29 (c) Actions brought by the local child support agency
30 to establish paternity or child support or to enforce child
31 support obligations shall be completed within the time
32 limits set forth by federal law. The local child support
33 agency's responsibility applies to spousal support only
34 where the spousal support obligation has been reduced to
35 an order of a court of competent jurisdiction. In any
36 action brought for modification or revocation of an order
37 that is being enforced under Title IV-D of the Social
38 Security Act (42 U.S.C. Sec. 651 et seq.), the effective date
39 of the modification or revocation shall be as prescribed by



1 federal law (42 U.S.C. Sec. 666(a)(9)), or any subsequent
2 date.

3 (d) (1) The Judicial Council, in consultation with the
4 department and representatives of the California Family
5 Support Council, the Senate Committee on Judiciary, the
6 Assembly Committee on Judiciary, and a legal services
7 organization providing representation on child support
8 matters, shall develop simplified summons, complaint,
9 and answer forms for any action for support brought
10 pursuant to this section or Section 17404. The Judicial
11 Council may combine the summons and complaint in a
12 single form.

13 (2) The simplified complaint form shall provide the
14 defendant with notice of the amount of child support that
15 is sought pursuant to the guidelines set forth in Article 2
16 (commencing with Section 4050) of Chapter 2 of Part 2
17 of Division 9 based upon the income or income history of
18 the defendant as known to the local child support agency.
19 If the defendant's income or income history is unknown
20 to the local child support agency, the complaint shall
21 inform the defendant that income shall be presumed in
22 an amount that results in a court order equal to the
23 minimum basic standard of adequate care *for Region I*
24 provided in ~~Section~~ *Sections 11452 and 11452.018* of the
25 Welfare and Institutions Code unless information
26 concerning the defendant's income is provided to the
27 court. The complaint form shall be accompanied by a
28 proposed judgment. The complaint form shall include a
29 notice to the defendant that the proposed judgment will
30 become effective if he or she fails to file an answer with
31 the court within 30 days of service. *If the proposed*
32 *judgment is entered by the court, the support order in the*
33 *proposed judgment shall be effective as of the first day of*
34 *the month following the filing of the complaint.*

35 (3) (A) The simplified answer form shall be written in
36 simple English and shall permit a defendant to answer
37 and raise defenses by checking applicable boxes. The
38 answer form shall include instructions for completion of
39 the form and instructions for proper filing of the answer.



1 (B) The answer form shall be accompanied by a blank
2 income and expense declaration or simplified financial
3 statement and instructions on how to complete the
4 financial forms. The answer form shall direct the
5 defendant to file the completed income and expense
6 declaration or simplified financial statement with the
7 answer, but shall state that the answer will be accepted
8 by a court without the income and expense declaration or
9 simplified financial statement.

10 (C) The clerk of the court shall accept and file
11 answers, income and expense declarations, and simplified
12 financial statements that are completed by hand
13 provided they are legible.

14 (4) (A) The simplified complaint form prepared
15 pursuant to this subdivision shall be used by the local child
16 support agency or the Attorney General in all cases
17 brought under this section or Section 17404.

18 (B) The simplified answer form prepared pursuant to
19 this subdivision shall be served on all defendants with the
20 simplified complaint. Failure to serve the simplified
21 answer form on all defendants shall not invalidate any
22 judgment obtained. However, failure to serve the answer
23 form may be used as evidence in any proceeding under
24 Section 17432 of this code or Section 473 of the Code of
25 Civil Procedure.

26 (C) The Judicial Council shall add language to the
27 governmental summons, for use by the local child support
28 agency with the governmental complaint to establish
29 parental relationship and child support, informing
30 defendants that a blank answer form should have been
31 received with the summons and additional copies may be
32 obtained from either the local child support agency or the
33 superior court clerk.

34 (e) In any action brought or enforcement proceedings
35 instituted by the local child support agency pursuant to
36 this section for payment of child or spousal support, an
37 action to recover an arrearage in support payments may
38 be maintained by the local child support agency at any
39 time within the period otherwise specified for the



1 enforcement of a support judgment, notwithstanding the
2 fact that the child has attained the age of majority.

3 (f) The county shall undertake an outreach program
4 to inform the public that the services described in
5 subdivisions (a) to (c), inclusive, are available to persons
6 not receiving public assistance. There shall be
7 prominently displayed in every public area of every office
8 of the agencies established by this section a notice, in clear
9 and simple language prescribed by the Director of Child
10 Support Services, that the services provided in
11 subdivisions (a) to (c), inclusive, are provided to all
12 individuals, whether or not they are recipients of public
13 assistance.

14 (g) (1) In any action to establish a child support order
15 brought by the local child support agency in the
16 performance of duties under this section, the local child
17 support agency may make a motion for an order effective
18 during the pendency of that action, for the support,
19 maintenance, and education of the child or children that
20 are the subject of the action. This order shall be referred
21 to as an order for temporary support. This order shall
22 have the same force and effect as a like or similar order
23 under this code.

24 (2) The local child support agency shall file a motion
25 for an order for temporary support within the following
26 time limits:

27 (A) If the defendant is the mother, a presumed father
28 under Section 7611, or any father where the child is at
29 least six months old when the defendant files his answer,
30 the time limit is 90 days after the defendant files an
31 answer.

32 (B) In any other case ~~where~~ *in which* the defendant
33 has filed an answer prior to the birth of the child or not
34 more than six months after the birth of the child, then the
35 time limit is nine months after the birth of the child.

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



1 (4) If the local child support agency fails to file a
2 motion for an order for temporary support within time
3 limits specified in this section, the local child support
4 agency shall be barred from obtaining a judgment of
5 reimbursement for any support provided for that child
6 during the period between the date the time limit
7 expired and the motion was filed, or, if no ~~such~~ motion is
8 filed, when a final judgment is entered.

9 (5) Nothing in this section prohibits the local child
10 support agency from entering into cooperative
11 arrangements with other county departments as
12 necessary to carry out the responsibilities imposed by this
13 section pursuant to plans of cooperation with the
14 departments approved by the Department of Child
15 Support Services.

16 (6) Nothing in this section shall otherwise limit the
17 ability of the local child support agency from securing and
18 enforcing orders for support of a spouse or former spouse
19 as authorized under any other provision of law.

20 (h) As used in this article, “enforcing obligations”
21 includes, but is not limited to, (1) the use of all
22 interception and notification systems operated by the
23 department for the purposes of aiding in the enforcement
24 of support obligations, (2) the obtaining by the local child
25 support agency of an initial order for child support that
26 may include medical support or that is for medical
27 support only, by civil or criminal process, (3) the
28 initiation of a motion or order to show cause to increase
29 an existing child support order, and the response to a
30 motion or order to show cause brought by an obligor
31 parent to decrease an existing child support order, or the
32 initiation of a motion or order to show cause to obtain an
33 order for medical support, and the response to a motion
34 or order to show cause brought by an obligor parent to
35 decrease or terminate an existing medical support order,
36 without regard to whether the child is receiving public
37 assistance, (4) the response to a notice of motion or order
38 to show cause brought by an obligor parent to decrease
39 an existing spousal support order when the child or
40 children are residing with the obligee parent and the



1 local child support agency is also enforcing a related child
2 support obligation owed to the obligee parent by the
3 same obligor, and (5) the transfer of the enforcement and
4 collection of child support delinquencies to the Franchise
5 Tax Board under Section 19271 of the Revenue and
6 Taxation Code in support of the local child support
7 agency.

8 (i) As used in this section, “out of wedlock” means that
9 the biological parents of the child were not married to
10 each other at the time of the child’s conception.

11 (j) (1) The local child support agency is the public
12 agency responsible for administering wage withholding
13 for current support the purposes of Title IV-D of the
14 Social Security Act (42 U.S.C. Sec. 651 et seq.).

15 (2) Nothing in this section shall limit the authority of
16 the local child support agency granted by other sections
17 of this code or otherwise granted by law, except to the
18 extent that the law is inconsistent with the transfer of the
19 responsibility and authority for enforcement and
20 collection of delinquent child support to the Franchise
21 Tax Board.

22 (k) In the exercise of the authority granted under this
23 article, the local child support agency may intervene,
24 pursuant to subdivision (b) of Section 387 of the Code of
25 Civil Procedure, by ex parte application, in any action
26 under this code, or other proceeding in which child
27 support is an issue or a reduction in spousal support is
28 sought. By notice of motion, order to show cause, or
29 responsive pleading served upon all parties to the action,
30 the local child support agency may request any relief that
31 is appropriate that the local child support agency is
32 authorized to seek.

33 (l) The local child support agency shall comply with
34 any guidelines established by the department that set
35 time standards for responding to requests for assistance
36 in locating noncustodial parents, establishing paternity,
37 establishing child support awards, and collecting child
38 support payments.



1 (m) As used in this article, medical support activities
2 that the local child support agency is authorized to
3 perform are limited to the following:

4 (1) The obtaining and enforcing of court orders for
5 health insurance coverage.

6 (2) Any other medical support activity mandated by
7 federal law or regulation.

8 (n) (1) Notwithstanding any other law, venue for an
9 action or proceeding under this division shall be
10 determined as follows:

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

13 (B) If public assistance is not currently being
14 expended, venue shall be in the superior court in the
15 county ~~where~~ *in which* the child who is entitled to current
16 support resides or is domiciled.

17 (C) If current support is no longer payable through, or
18 enforceable by, the local child support agency, venue
19 shall be in the superior court in the county that last
20 provided public assistance for actions to enforce
21 arrearages assigned pursuant to Section 11477 of the
22 Welfare and Institutions Code.

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

26 (E) If the support obligee does not reside in California,
27 and subparagraphs (A), (B), (C), and (D) do not apply,
28 venue shall be in the superior court of the county of
29 residence of the obligor.

30 (2) Notwithstanding paragraph (1), if the child
31 becomes a resident of another county after an action
32 under this part has been filed, venue may remain in the
33 county where the action was filed until the action is
34 completed.

35 (o) The local child support agency of one county may
36 appear on behalf of the local child support agency of any
37 other county in an action or proceeding under this part.

38 *SEC. 14.6. Section 17400 of the Family Code, as added*
39 *by Assembly Bill 196 of the 1999–2000 Regular Session, is*
40 *amended to read:*



1 17400. (a) ~~(1)~~—Each county shall maintain a local
2 child support agency, as specified in Section 17304, that
3 shall have the responsibility for promptly and effectively
4 establishing, modifying, and enforcing child support
5 obligations, including medical support, enforcing spousal
6 support orders established by a court of competent
7 jurisdiction, and determining paternity in the case of a
8 child born out of wedlock. The local child support agency
9 shall take appropriate action, including criminal action in
10 cooperation with the district attorneys, to establish,
11 modify, and enforce child support and, when
12 appropriate, enforce spousal support orders when the
13 child is receiving public assistance, including Medi-Cal,
14 and, when requested, shall take the same actions on
15 behalf of a child who is not receiving public assistance,
16 including Medi-Cal.

17 ~~(2) Notwithstanding any other provision of law, on~~
18 ~~and after January 1, 2000, the Franchise Tax Board shall~~
19 ~~have responsibility and authority for the enforcement~~
20 ~~and collection of child support delinquencies in support~~
21 ~~of the child support activities of the Department of Child~~
22 ~~Support Services, local child support agencies, and~~
23 ~~subject to all federal and state laws, regulations, and~~
24 ~~directives relating to Title IV-D child support programs.~~

25 ~~(3) (A) For purposes of paragraph (2), “child support~~
26 ~~delinquency” means any of the following:~~

27 ~~(i) (I) An arrearage or otherwise past due amount~~
28 ~~that exists when an obligor fails to make any~~
29 ~~court ordered support payment when due.~~

30 ~~(II) The unpaid amount is more than 30 days past due.~~

31 ~~(III) The aggregate of all amounts described in~~
32 ~~subclauses (I) and (II) exceeds one hundred dollars~~
33 ~~(\$100).~~

34 ~~(ii) As otherwise defined by guidelines prescribed by~~
35 ~~the Department of Child Support Services in consultation~~
36 ~~with the Franchise Tax Board and may include or be~~
37 ~~limited to interest, fees, penalties, spousal support, or~~
38 ~~medical support.~~

39 ~~(B) The local child support agency shall transfer child~~
40 ~~support delinquencies to the Franchise Tax Board in the~~

1 ~~form and manner and at the time prescribed by the~~
2 ~~Franchise Tax Board pursuant to paragraph (2) of~~
3 ~~subdivision (a) of Section 19271 of the Revenue and~~
4 ~~Taxation Code.~~

5 ~~(C) After a local child support agency transfers a~~
6 ~~delinquent child support obligation to the Franchise Tax~~
7 ~~Board pursuant to this section, the local child support~~
8 ~~agency shall continue to facilitate resolution of the child~~
9 ~~support obligation in coordination with the Franchise Tax~~
10 ~~Board.~~

11 ~~(b) If a child support delinquency exists at the time a~~
12 ~~case is opened by the local child support agency, the~~
13 ~~responsibility for the enforcement and collection of the~~
14 ~~delinquency shall be transferred to the Franchise Tax~~
15 ~~Board no later than 30 days after receipt of the case by the~~
16 ~~local child support agency. Any reference to the local~~
17 ~~child support agency in connection with the enforcement~~
18 ~~and collection of child support delinquencies shall be~~
19 ~~deemed a reference to the Franchise Tax Board. This~~
20 ~~transfer of responsibility and authority is in support of the~~
21 ~~local child support agency solely for the administration of~~
22 ~~the enforcement and collection of child support~~
23 ~~delinquencies and shall not in any manner transfer any~~
24 ~~responsibilities the local child support agency may have~~
25 ~~and any responsibilities the Department of Child Support~~
26 ~~Services may have as the Title IV-D agency. A child~~
27 ~~support delinquency, as specified in this section, shall be~~
28 ~~enforced and collected by the Franchise Tax Board~~
29 ~~pursuant to Section 19271 of the Revenue and Taxation~~
30 ~~Code.~~

31 ~~(e)~~

32 ~~(b) Actions brought by the local child support agency~~
33 ~~to establish paternity or child support or to enforce child~~
34 ~~support obligations shall be completed within the time~~
35 ~~limits set forth by federal law. The local child support~~
36 ~~agency's responsibility applies to spousal support only~~
37 ~~where the spousal support obligation has been reduced to~~
38 ~~an order of a court of competent jurisdiction. In any~~
39 ~~action brought for modification or revocation of an order~~
40 ~~that is being enforced under Title IV-D of the Social~~



1 Security Act (42 U.S.C. Sec. 651 et seq.), the effective date
2 of the modification or revocation shall be as prescribed by
3 federal law (42 U.S.C. Sec. 666(a)(9)), or any subsequent
4 date.

5 ~~(d)~~

6 (c) (1) The Judicial Council, in consultation with the
7 department and representatives of the California Family
8 Support Council, the Senate Committee on Judiciary, the
9 Assembly Committee on Judiciary, and a legal services
10 organization providing representation on child support
11 matters, shall develop simplified summons, complaint,
12 and answer forms for any action for support brought
13 pursuant to this section or Section 17404. The Judicial
14 Council may combine the summons and complaint in a
15 single form.

16 (2) The simplified complaint form shall provide the
17 defendant with notice of the amount of child support that
18 is sought pursuant to the guidelines set forth in Article 2
19 (commencing with Section 4050) of Chapter 2 of Part 2
20 of Division 9 based upon the income or income history of
21 the defendant as known to the local child support agency.
22 If the defendant's income or income history is unknown
23 to the local child support agency, the complaint shall
24 inform the defendant that income shall be presumed in
25 an amount that results in a court order equal to the
26 minimum basic standard of adequate care *for Region I*
27 ~~provided in Section~~ *Sections 11452 and 11452.018* of the
28 Welfare and Institutions Code unless information
29 concerning the defendant's income is provided to the
30 court. The complaint form shall be accompanied by a
31 proposed judgment. The complaint form shall include a
32 notice to the defendant that the proposed judgment will
33 become effective if he or she fails to file an answer with
34 the court within 30 days of service. *If the proposed*
35 *judgment is entered by the court, the support order in the*
36 *proposed judgment shall be effective as of the first day of*
37 *the month following the filing of the complaint.*

38 (3) (A) The simplified answer form shall be written in
39 simple English and shall permit a defendant to answer
40 and raise defenses by checking applicable boxes. The



1 answer form shall include instructions for completion of
2 the form and instructions for proper filing of the answer.

3 (B) The answer form shall be accompanied by a blank
4 income and expense declaration or simplified financial
5 statement and instructions on how to complete the
6 financial forms. The answer form shall direct the
7 defendant to file the completed income and expense
8 declaration or simplified financial statement with the
9 answer, but shall state that the answer will be accepted
10 by a court without the income and expense declaration or
11 simplified financial statement.

12 (C) The clerk of the court shall accept and file
13 answers, income and expense declarations, and simplified
14 financial statements that are completed by hand
15 provided they are legible.

16 (4) (A) The simplified complaint form prepared
17 pursuant to this subdivision shall be used by the local child
18 support agency or the Attorney General in all cases
19 brought under this section or Section 17404.

20 (B) The simplified answer form prepared pursuant to
21 this subdivision shall be served on all defendants with the
22 simplified complaint. Failure to serve the simplified
23 answer form on all defendants shall not invalidate any
24 judgment obtained. However, failure to serve the answer
25 form may be used as evidence in any proceeding under
26 Section 17432 of this code or Section 473 of the Code of
27 Civil Procedure.

28 (C) The Judicial Council shall add language to the
29 governmental summons, for use by the local child support
30 agency with the governmental complaint to establish
31 parental relationship and child support, informing
32 defendants that a blank answer form should have been
33 received with the summons and additional copies may be
34 obtained from either the local child support agency or the
35 superior court clerk.

36 ~~(e)~~

37 (d) In any action brought or enforcement proceedings
38 instituted by the local child support agency pursuant to
39 this section for payment of child or spousal support, an
40 action to recover an arrearage in support payments may



1 be maintained by the local child support agency at any
2 time within the period otherwise specified for the
3 enforcement of a support judgment, notwithstanding the
4 fact that the child has attained the age of majority.

5 ~~(f)~~

6 (e) The county shall undertake an outreach program
7 to inform the public that the services described in
8 subdivisions (a) to (c), inclusive, are available to persons
9 not receiving public assistance. There shall be
10 prominently displayed in every public area of every office
11 of the agencies established by this section a notice, in clear
12 and simple language prescribed by the Director of Child
13 Support Services, that the services provided in
14 subdivisions (a) to (c), inclusive, are provided to all
15 individuals, whether or not they are recipients of public
16 assistance.

17 ~~(g)~~

18 (f) (1) In any action to establish a child support order
19 brought by the local child support agency in the
20 performance of duties under this section, the local child
21 support agency may make a motion for an order effective
22 during the pendency of that action, for the support,
23 maintenance, and education of the child or children that
24 are the subject of the action. This order shall be referred
25 to as an order for temporary support. This order shall
26 have the same force and effect as a like or similar order
27 under this code.

28 (2) The local child support agency shall file a motion
29 for an order for temporary support within the following
30 time limits:

31 (A) If the defendant is the mother, a presumed father
32 under Section 7611, or any father where the child is at
33 least six months old when the defendant files his answer,
34 the time limit is 90 days after the defendant files an
35 answer.

36 (B) In any other case ~~where~~ *in which* the defendant
37 has filed an answer prior to the birth of the child or not
38 more than six months after the birth of the child, then the
39 time limit is nine months after the birth of the child.



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

6 (4) If the local child support agency fails to file a
7 motion for an order for temporary support within time
8 limits specified in this section, the local child support
9 agency shall be barred from obtaining a judgment of
10 reimbursement for any support provided for that child
11 during the period between the date the time limit
12 expired and the motion was filed, or, if no ~~such~~ motion is
13 filed, when a final judgment is entered.

14 (5) ~~Nothing~~ *Except as provided in Section 17304,*
15 *nothing* in this section prohibits the local child support
16 agency from entering into cooperative arrangements
17 with other county departments as necessary to carry out
18 the responsibilities imposed by this section pursuant to
19 plans of cooperation with the departments approved by
20 the Department of Child Support Services.

21 (6) Nothing in this section shall otherwise limit the
22 ability of the local child support agency from securing and
23 enforcing orders for support of a spouse or former spouse
24 as authorized under any other provision of law.

25 ~~(h)~~

26 (g) As used in this article, “enforcing obligations”
27 includes, but is not limited to, (1) the use of all
28 interception and notification systems operated by the
29 department for the purposes of aiding in the enforcement
30 of support obligations, (2) the obtaining by the local child
31 support agency of an initial order for child support that
32 may include medical support or that is for medical
33 support only, by civil or criminal process, (3) the
34 initiation of a motion or order to show cause to increase
35 an existing child support order, and the response to a
36 motion or order to show cause brought by an obligor
37 parent to decrease an existing child support order, or the
38 initiation of a motion or order to show cause to obtain an
39 order for medical support, and the response to a motion
40 or order to show cause brought by an obligor parent to



1 decrease or terminate an existing medical support order,
 2 without regard to whether the child is receiving public
 3 assistance, (4) the response to a notice of motion or order
 4 to show cause brought by an obligor parent to decrease
 5 an existing spousal support order when the child or
 6 children are residing with the obligee parent and the
 7 local child support agency is also enforcing a related child
 8 support obligation owed to the obligee parent by the
 9 same obligor, and (5) the transfer of the ~~enforcement and~~
 10 ~~collection~~ *accounts receivable management* of child
 11 support delinquencies to the Franchise Tax Board under
 12 Section ~~19271 of the Revenue and Taxation Code 17501~~ in
 13 support of the local child support agency.

14 (i)

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

18 (j)

19 (i) (1) The local child support agency is the public
 20 agency responsible for administering wage withholding
 21 for current support the purposes of Title IV-D of the
 22 Social Security Act (42 U.S.C. Sec. 651 et seq.).

23 (2) Nothing in this section shall limit the authority of
 24 the local child support agency granted by other sections
 25 of this code or otherwise granted by law, except to the
 26 extent that the law is inconsistent with the transfer of the
 27 responsibility ~~and authority~~ for ~~enforcement and~~
 28 ~~collection~~ *accounts receivable management* of
 29 delinquent child support to the Franchise Tax Board.

30 (k)

31 (j) In the exercise of the authority granted under this
 32 article, the local child support agency may intervene,
 33 pursuant to subdivision (b) of Section 387 of the Code of
 34 Civil Procedure, by ex parte application, in any action
 35 under this code, or other proceeding in which child
 36 support is an issue or a reduction in spousal support is
 37 sought. By notice of motion, order to show cause, or
 38 responsive pleading served upon all parties to the action,
 39 the local child support agency may request any relief that



1 is appropriate that the local child support agency is
2 authorized to seek.

3 ~~(j)~~

4 (k) The local child support agency shall comply with
5 ~~any guidelines~~ *all regulations and directives* established
6 by the department that set time standards for responding
7 to requests for assistance in locating noncustodial parents,
8 establishing paternity, establishing child support awards,
9 and collecting child support payments.

10 ~~(m)~~

11 (l) As used in this article, medical support activities
12 that the local child support agency is authorized to
13 perform are limited to the following:

14 (1) The obtaining and enforcing of court orders for
15 health insurance coverage.

16 (2) Any other medical support activity mandated by
17 federal law or regulation.

18 ~~(n)~~

19 (m) (1) Notwithstanding any other law, venue for an
20 action or proceeding under this division shall be
21 determined as follows:

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

24 (B) If public assistance is not currently being
25 expended, venue shall be in the superior court in the
26 county ~~where~~ *in which* the child who is entitled to current
27 support resides or is domiciled.

28 (C) If current support is no longer payable through, or
29 enforceable by, the local child support agency, venue
30 shall be in the superior court in the county that last
31 provided public assistance for actions to enforce
32 arrearages assigned pursuant to Section 11477 of the
33 Welfare and Institutions Code.

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

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



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

6 ~~(e)~~

7 (n) The local child support agency of one county may
8 appear on behalf of the local child support agency of any
9 other county in an action or proceeding under this part.

10 SEC. 15. Section 17523 is added to the Family Code,
11 to read:

12 17523. (a) Notwithstanding any other provision of
13 law, if a support obligor is delinquent in the payment of
14 support and the local child support agency is enforcing
15 the support obligation pursuant to Section 17400 or 17402,
16 a lien for child support shall arise against the personal
17 property of the support obligor in either of the following
18 circumstances:

19 (1) By operation of law for all amounts of overdue
20 support, regardless of whether the amounts have been
21 adjudicated or otherwise determined.

22 (2) When either a court having continuing jurisdiction
23 or the local child support agency determines a specific
24 amount of arrearages is owed by the support obligor.

25 (b) The lien for child support shall be perfected by
26 filing a notice of child support lien with the Secretary of
27 State pursuant to Section 697.510 of the Code of Civil
28 Procedure. Once filed, the child support lien shall have
29 the same priority, force, and effect as a judgment lien on
30 personal property pursuant to Article 3 (commencing
31 with Section 697.510) of Chapter 2 of Division 2 of Article
32 9 of the Code of Civil Procedure.

33 (c) For purposes of this section, the following
34 definitions shall apply:

35 (1) "Notice of child support lien" means a document
36 filed with the Secretary of State that substantially
37 complies with the requirements of Section 697.530 of the
38 Code of Civil Procedure.



1 (2) “Support obligor is delinquent in payment of
2 support” means that the support obligor has failed to
3 make payment equal to one month’s support obligation.

4 (3) “Personal property” means that property that is
5 subject to attachment by a judgment lien pursuant to
6 Section 697.530 of the Code of Civil Procedure.

7 (d) Nothing in this section shall affect the priority of
8 any of the following interests:

9 (1) State tax liens as set forth in Article 2 (commencing
10 with Section 7170) of Division 7 of Title 1 of the
11 Government Code.

12 (2) Liens or security interests as set forth in Article 3
13 (commencing with Section 697.510) of Chapter 2 of
14 Division 2 of Article 9 of the Code of Civil Procedure.

15 (e) As between competing child support liens and
16 state tax liens, a child support lien arising under this
17 section shall have priority over a state tax lien if (1) the
18 child support lien is filed with the Secretary of State, (2)
19 the notice of child support lien is filed in an action or
20 proceeding in which the obligor may become entitled to
21 property or money judgment, or (3) the levy for child
22 support on personal property is made, before a notice of
23 state tax lien is filed with the Secretary of State pursuant
24 to Section 7171 of the Government Code or filed in an
25 action or proceeding in accordance with Section 7173 of
26 the Government Code.

27 (f) A personal property lien for child support arising in
28 another state may be enforced in the same manner and
29 to the same extent as a personal property lien arising in
30 this state.

31 ~~SEC. 18.~~

32 *SEC. 16.* Section 19271.6 of the Revenue and Taxation
33 Code is amended to read:

34 19271.6. (a) The Franchise Tax Board, through a
35 cooperative agreement with the State Department of
36 Social Services, and in coordination with financial
37 institutions doing business in this state, shall operate a
38 Financial Institution Match System utilizing automated
39 data exchanges to the maximum extent feasible. The
40 Financial Institution Match System shall be implemented



1 pursuant to guidelines prescribed by the State
2 Department of Social Services and the Franchise Tax
3 Board. These guidelines shall include a structure by
4 which financial institutions, or their designated data
5 processing agents, shall receive from the Franchise Tax
6 Board the file or files of past-due support obligors
7 compiled in accordance with subdivision (c), that the
8 institution shall match with its own list of accountholders
9 to identify past-due support obligor accountholders at the
10 institution. To the extent allowed by the federal Personal
11 Responsibility and Work Opportunity Reconciliation Act
12 of 1996, the guidelines shall include an option by which
13 financial institutions without the technical ability to
14 process the data exchange, or without the ability to
15 employ a third-party data processor to process the data
16 exchange, may forward to the Franchise Tax Board a list
17 of all accountholders and their social security numbers, so
18 that the Franchise Tax Board shall match that list with the
19 file or files of past-due support obligors compiled in
20 accordance with subdivision (c).

21 (b) The Financial Institution Match System shall not
22 be subject to any limitation set forth in Chapter 20
23 (commencing with Section 7460) of Division 7 of Title 1
24 of the Government Code. However, any use of the
25 information provided pursuant to this section for any
26 purpose other than the enforcement and collection of a
27 child support delinquency, as set forth in Section 19271,
28 shall be a violation of Section 19542.

29 (c) (1) Each county shall compile a file of support
30 obligors with judgments and orders that are being
31 enforced by district attorneys pursuant to Section 11475.1
32 of the Welfare and Institutions Code, and who are past
33 due in the payment of their support obligations. The file
34 shall be compiled, updated, and forwarded to the
35 Franchise Tax Board, in accordance with the guidelines
36 prescribed by the State Department of Social Services
37 and the Franchise Tax Board.

38 (2) The Department of Justice, Child Support
39 Program, shall compile a file of obligors with support
40 arrearages from requests made by other states for



1 administrative enforcement in interstate cases, in
2 accordance with federal requirements (42 U.S.C. Sec.
3 666(a)(14)). This file shall be compiled and forwarded to
4 the Franchise Tax Board in accordance with the
5 guidelines prescribed by the State Department of Social
6 Services, the Department of Justice, and the Franchise
7 Tax Board. The file shall include, to the extent possible,
8 the obligor's address.

9 (d) To effectuate the Financial Institution Match
10 System, financial institutions subject to this section shall
11 do all of the following:

12 (1) Provide to the Franchise Tax Board on a quarterly
13 basis the name, record address and other addresses, social
14 security number or other taxpayer identification
15 number, and other identifying information for each
16 noncustodial parent who maintains an account at the
17 institution and who owes past-due support, as identified
18 by the Franchise Tax Board by name and social security
19 number or other taxpayer identification number.

20 (2) In response to a notice or order to withhold issued
21 by the Franchise Tax Board, withhold from any accounts
22 of the obligor the amount of any past-due support stated
23 on the notice or order and transmit the amount to the
24 Franchise Tax Board in accordance with Section 18670 or
25 18670.5.

26 (e) Unless otherwise required by applicable law, a
27 financial institution furnishing a report or providing
28 information to the Franchise Tax Board pursuant to this
29 section shall not disclose to a depositor or an
30 accountholder, or a codepositor or coaccountholder, that
31 the name, address, social security number, or other
32 taxpayer identification number or other identifying
33 information of that person has been received from or
34 furnished to the Franchise Tax Board.

35 (f) A financial institution shall incur no obligation or
36 liability to any person arising from any of the following:

37 (1) Furnishing information to the Franchise Tax
38 Board as required by this section.

39 (2) Failing to disclose to a depositor or accountholder
40 that the name, address, social security number, or other



1 taxpayer identification number or other identifying
2 information of that person was included in the data
3 exchange with the Franchise Tax Board required by this
4 section.

5 (3) Withholding or transmitting any assets in response
6 to a notice or order to withhold issued by the Franchise
7 Tax Board as a result of the data exchange. This paragraph
8 shall not preclude any liability that may result if the
9 financial institution does not comply with subdivision (b)
10 of Section 18674.

11 (4) Any other action taken in good faith to comply
12 with the requirements of this section.

13 (g) Information required to be submitted to the
14 Franchise Tax Board pursuant to this section shall only be
15 used by the Franchise Tax Board to collect past-due
16 support pursuant to Section 19271. If the Franchise Tax
17 Board has issued an earnings withholding order and the
18 condition described in subparagraph (C) of paragraph
19 (1) of subdivision (i) exists with respect to the obligor, the
20 Franchise Tax Board shall not use the information it
21 receives under this section to collect the past-due support
22 from that obligor.

23 (1) With respect to files compiled under paragraph
24 (1) of subdivision (c), the Franchise Tax Board shall
25 forward to the counties, in accordance with guidelines
26 prescribed by the State Department of Social Services
27 and the Franchise Tax Board, information obtained from
28 the financial institutions pursuant to this section. No
29 county shall use this information for directly levying on
30 any account. Each county shall keep the information
31 confidential as provided by Section 11478.1 of the Welfare
32 and Institutions Code.

33 (2) With respect to files compiled under paragraph
34 (2) of subdivision (c), the amount collected by the
35 Franchise Tax Board shall be deposited and distributed to
36 the referring state in accordance with Section 19272.

37 (h) For those noncustodial parents owing past-due
38 support for which there is a match under paragraph (1)
39 of subdivision (d), the amount past due as indicated on
40 the file or files compiled pursuant to subdivision (c) at the



1 time of the match shall be a delinquency under this article
2 for the purposes of the Franchise Tax Board taking any
3 collection action pursuant to Section 18670 or 18670.5.

4 (i) (1) Each county shall notify the Franchise Tax
5 Board upon the occurrence of the circumstances
6 described in the following subparagraphs with respect to
7 an obligor of past-due support:

8 (A) All of the following apply:

9 (i) A court has ordered an obligor to make scheduled
10 payments on a child support arrearages obligation.

11 (ii) The obligor is in compliance with that order.

12 (B) An earnings assignment order or a notice of
13 assignment that includes an amount for past-due support
14 has been served on the obligated parent's employer and
15 earnings are being withheld pursuant to the earnings
16 assignment order or a notice of assignment.

17 (C) At least 50 percent of the obligated parent's
18 earnings are being withheld for support.

19 (D) The obligor is less than 90 days delinquent in the
20 payment of any amount of support. For purposes of this
21 subparagraph, any delinquency existing at the time a case
22 is received by a district attorney shall not be considered
23 until 90 days have passed.

24 (E) A child support delinquency need not be referred
25 to the Franchise Tax Board for collection if a jurisdiction
26 outside this state is enforcing the support order.

27 (2) Upon notification, the Franchise Tax Board shall
28 not use the information it receives under this section to
29 collect any past-due support from that obligor.

30 (j) Notwithstanding subdivision (i), the Franchise Tax
31 Board may use the information it receives under this
32 section to collect any past-due support at any time if a
33 county requests action be taken.

34 (k) The Franchise Tax Board may not use the
35 information it receives under this section to collect any
36 past-due support if a county has applied for and received
37 an exemption from the State Department of Social
38 Services as provided by subdivision (k) of Section 19271,
39 unless that county specifically requests collection against
40 that obligor. The Franchise Tax Board may not use the



1 information it receives under this section to collect any
2 past-due support if a county requests that action not be
3 taken.

4 (l) For purposes of this section:

5 (1) "Account" means any demand deposit account,
6 share or share draft account, checking or negotiable
7 withdrawal order account, savings account, time deposit
8 account, or a money market mutual fund account,
9 whether or not the account bears interest.

10 (2) "Financial institution" has the same meaning as
11 defined in Section 669A(d)(1) of Title 42 of the United
12 States Code.

13 (3) "Past-due support" means any child support
14 obligation that is unpaid on the due date for payment.

15 (m) Out of any money received from the federal
16 government for the purpose of reimbursing financial
17 institutions for their actual and reasonable costs incurred
18 in complying with this section, the state shall reimburse
19 those institutions. To the extent that money is not
20 provided by the federal government for that purpose, the
21 state shall not reimburse financial institutions for their
22 costs in complying with this section.

23 (n) By March 1, 1998, the Franchise Tax Board and the
24 Department of Social Services, in consultation with
25 counties and financial institutions, shall jointly propose an
26 implementation plan for inclusion in the annual Budget
27 Act, or in other legislation that would fund this program.
28 The implementation plan shall take into account the
29 program's financial benefits, including the costs of all
30 participating private and public agencies. It is the intent
31 of the Legislature that this program shall result in a net
32 savings to the state and the counties.

33 ~~SEC. 19.~~

34 *SEC. 17.* Section 19272 of the Revenue and Taxation
35 Code is amended to read:

36 19272. (a) Any child support delinquency collected
37 by the Franchise Tax Board, including those amounts that
38 result in overpayment of a child support delinquency,
39 shall be deposited in the State Treasury, after clearance
40 of the remittance, to the credit of the Special Deposit



1 Fund and distributed as specified by interagency
2 agreement executed by the Franchise Tax Board and the
3 State Department of Social Services, with the
4 concurrence of the Controller. Notwithstanding Section
5 13340 of the Government Code, all moneys deposited in
6 the Special Deposit Fund pursuant to this article are
7 hereby continuously appropriated, without regard to
8 fiscal years, for purposes of making distributions.

9 (b) When a child support delinquency, or any portion
10 thereof, has been collected by the Franchise Tax Board
11 pursuant to this article, the district attorney or other IV-D
12 agency enforcing the order shall be notified that the
13 delinquency or some portion thereof has been collected
14 and shall be provided any other necessary relevant
15 information requested.

16 (c) The referring county district attorney shall receive
17 credit for the amount of collections made pursuant to the
18 referral, and shall receive the applicable child support
19 enforcement incentives pursuant to Section 15200.81 of
20 the Welfare and Institutions Code. Collection costs
21 incurred by the Franchise Tax Board shall be paid by
22 federal reimbursement with any balance to be paid from
23 the General Fund.

24 (d) For collections made pursuant to a referral for
25 administrative enforcement or an interstate case, the
26 IV-D agency in this state shall receive credit for the
27 amount of collections made pursuant to the referral and
28 shall receive the applicable federal child support
29 enforcement incentives.

30 ~~SEC. 20.~~

31 *SEC. 17.5. Section 19272 of the Revenue and Taxation*
32 *Code is amended to read:*

33 19272. (a) Any child support delinquency collected
34 by the Franchise Tax Board, including those amounts that
35 result in overpayment of a child support delinquency,
36 shall be deposited in the State Treasury, after clearance
37 of the remittance, to the credit of the Special Deposit
38 Fund and distributed as specified by interagency
39 agreement executed by the Franchise Tax Board and the
40 State Department of Social Services, with the



1 concurrence of the Controller. Notwithstanding Section
2 13340 of the Government Code, all moneys deposited in
3 the Special Deposit Fund pursuant to this article are
4 hereby continuously appropriated, without regard to
5 fiscal years, for purposes of making distributions.

6 (b) When a child support delinquency, or any portion
7 thereof, has been collected by the Franchise Tax Board
8 pursuant to this article, the ~~district attorney~~ *local child*
9 *support agency or other IV-D agency enforcing the order*
10 shall be notified that the delinquency or some portion
11 thereof has been collected and shall be provided any
12 other necessary relevant information requested.

13 (c) The referring ~~county district attorney~~ *local child*
14 *support agency* shall receive credit for the amount of
15 collections made pursuant to the referral, ~~and shall~~
16 ~~receive the applicable~~ *including credit for purposes of the*
17 *child support enforcement incentives pursuant to Section*
18 ~~15200.85 of the Welfare and Institutions Code 17704 of the~~
19 *Family Code*. Collection costs incurred by the Franchise
20 Tax Board shall be paid by federal reimbursement with
21 any balance to be paid from the General Fund.

22 (d) *For collections made pursuant to a referral for*
23 *administrative enforcement or an interstate case, the*
24 *IV-D agency in this state shall receive credit for the*
25 *amount of collections made pursuant to the referral and*
26 *shall receive the applicable federal child support*
27 *enforcement incentives.*

28 (e) *For amounts to be paid as a result of the Franchise*
29 *Tax Board's activities taken pursuant to this chapter or*
30 *Section 17501 of the Family Code, the Franchise Tax*
31 *Board shall notify the obligor or third party to make the*
32 *required payment directly to the local child support*
33 *agency that referred the delinquency to the Franchise*
34 *Tax Board for deposit, cashing, and disbursement of*
35 *the payment, regardless of the form and manner for*
36 *making the payments, including electronic means. The*
37 *Franchise Tax Board may, subject to approval by the*
38 *Department of Child Support Services, phase in this*
39 *responsibility for the local child support agency to*
40 *deposit, cash, and disburse payments collected*



1 *pursuant to the Franchise Tax Board accounts receivable*
2 *management functions only to the extent necessary to*
3 *ensure that the local child support agency is capable of*
4 *accepting payment in the form and manner provided.*

5 (f) *When the statewide disbursement unit is*
6 *operational, the obligors and third parties shall be*
7 *directed to make child support payments to that unit*
8 *instead of the counties, in accordance with the*
9 *Department of Child Support Services Regulations.*

10 SEC. 18. Section 19273 of the Revenue and Taxation
11 Code is amended to read:

12 19273. (a) For the collection pursuant to this article
13 of any child support delinquency from any obligated
14 parent who is out of state, the Franchise Tax Board may
15 utilize the procedures and mechanisms currently
16 available for collection of taxes owed from out-of-state
17 taxpayers, pursuant to Section 19376. As necessary, the
18 Franchise Tax Board shall seek reciprocal agreements
19 with other states to improve its ability to collect child
20 support payments from out-of-state obligated parents on
21 behalf of custodial parents residing in California. The
22 Franchise Tax Board shall also share with the Internal
23 Revenue Service any tax return information with respect
24 to the location of the obligated parent, and may pursue
25 agreements with the Internal Revenue Service, as
26 permitted by federal law, to improve collections of child
27 support delinquencies from out-of-state obligated
28 parents through cooperative agreements with the
29 service.

30 (b) The California Child Support Automated System,
31 established pursuant to Chapter 4 (commencing with
32 Section 10080) of Part 1 of Division 9 of the Welfare and
33 Institutions Code, shall, for purposes of this article,
34 include the capacity to interface and exchange
35 information with the Franchise Tax Board, and if feasible,
36 the Internal Revenue Service, to enable the immediate
37 reporting and tracking of obligated parent information.

38 (c) The State Department of Social Services and the
39 Franchise Tax Board shall enter into any interagency



1 agreements that are necessary for the implementation of
2 this article.

3 ~~SEC. 21.~~

4 *SEC. 19.* Section 213.5 of the Welfare and Institutions
5 Code is amended to read:

6 213.5. (a) After a petition has been filed pursuant to
7 Section 311 to declare a child a dependent child of the
8 juvenile court, and until the time that the petition is
9 dismissed or dependency is terminated, upon application
10 in the manner provided by Section 527 of the Code of
11 Civil Procedure, the juvenile court may issue ex parte
12 orders (1) enjoining any parent, guardian, or current or
13 former member of the child's household from molesting,
14 attacking, striking, sexually assaulting, stalking, or
15 battering the child or any other child in the household;
16 (2) excluding any parent, guardian, or current or former
17 member of the child's household from the dwelling of the
18 person who has care, custody, and control of the child; and
19 (3) enjoining a parent, guardian, or current or former
20 member of the child's household from behavior,
21 including contacting, threatening, or disturbing the
22 peace of the child, that the court determines is necessary
23 to effectuate orders under paragraph (1) or (2).

24 (b) After a petition has been filed pursuant to Section
25 601 or 602 to declare a child a ward of the juvenile court,
26 and until the time that the petition is dismissed or
27 wardship is terminated, upon application in the manner
28 provided by Section 527 of the Code of Civil Procedure,
29 the juvenile court may issue ex parte orders (1) enjoining
30 any parent, guardian or current or former member of the
31 child's household from molesting, attacking, threatening,
32 sexually assaulting, stalking, or battering the child; (2)
33 excluding any parent, guardian, or current or former
34 member of the child's household from the dwelling of the
35 person who has care, custody, and control of the child; or
36 (3) enjoining the child from contacting, threatening,
37 stalking, or disturbing the peace of any person the court
38 finds to be at risk from the conduct of the child, or with
39 whom association would be detrimental to the child.



1 (c) In the case in which a temporary restraining order
2 is granted without notice, the matter shall be made
3 returnable on an order requiring cause to be shown why
4 the order should not be granted, on the earliest day that
5 the business of the court will permit, but not later than 15
6 days or, if good cause appears to the court, 20 days from
7 the date the temporary restraining order is granted. The
8 court may, on the motion of the person seeking the
9 restraining order, or on its own motion, shorten the time
10 for service on the person to be restrained of the order to
11 show cause. Any hearing pursuant to this section may be
12 held simultaneously with any regularly scheduled
13 hearings held in proceedings to declare a child a
14 dependent child or ward of the juvenile court pursuant
15 to Section 300, 601, or 602, or subsequent hearings
16 regarding the dependent child or ward.

17 (d) The juvenile court may issue, upon notice and a
18 hearing, any of the orders set forth in subdivisions (a),
19 (b), and (c). Any restraining order granted pursuant to
20 this subdivision shall remain in effect, in the discretion of
21 the court, not to exceed three years, unless otherwise
22 terminated by the court, extended by mutual consent of
23 all parties to the restraining order, or extended by further
24 order of the court on the motion of any party to the
25 restraining order.

26 (e) (1) The juvenile court may issue an order made
27 pursuant to subdivision (a), (c), or (d) excluding a person
28 from a residence or dwelling. This order may be issued for
29 the time and on the conditions that the court determines,
30 regardless of which party holds legal or equitable title or
31 is the lessee of the residence or dwelling.

32 (2) The court may issue an order under paragraph (1)
33 only on a showing of all of the following:

34 (A) Facts sufficient for the court to ascertain that the
35 party who will stay in the dwelling has a right under color
36 of law to possession of the premises.

37 (B) That the party to be excluded has assaulted or
38 threatens to assault the other party or any other person
39 under the care, custody, and control of the other party, or
40 any minor child of the parties or of the other party.



1 (C) That physical or emotional harm would otherwise
2 result to the other party, to any person under the care,
3 custody, and control of the other party, or to any minor
4 child of the parties or of the other party.

5 (f) Any order issued pursuant to subdivision (a), (b),
6 (c), or (d) shall state on its face the date of expiration of
7 the order.

8 (g) The juvenile court shall order any designated
9 person or attorney to mail a copy of any order, or
10 extension, modification, or termination thereof, granted
11 pursuant to subdivision (a), (b), (c), or (d), by the close
12 of the business day on which the order, extension,
13 modification, or termination was granted, and any
14 subsequent proof of service thereof, to each local law
15 enforcement agency designated by the person seeking
16 the restraining order or his or her attorney having
17 jurisdiction over the residence of the person who has care,
18 custody, and control of the child and other locations
19 where the court determines that acts of domestic
20 violence or abuse against the child or children are likely
21 to occur. Each appropriate law enforcement agency shall
22 make available through an existing system for
23 verification, information as to the existence, terms, and
24 current status of any order issued pursuant to subdivision
25 (a), (b), (c), or (d) to any law enforcement officer
26 responding to the scene of reported domestic violence or
27 abuse.

28 (h) Any willful and knowing violation of any order
29 granted pursuant to subdivision (a), (b), (c), or (d) shall
30 be a misdemeanor punishable under Section 273.65 of the
31 Penal Code.

32 ~~SEC. 21.5.~~

33 *SEC. 19.5.* Section 213.5 of the Welfare and
34 Institutions Code is amended to read:

35 213.5. (a) After a petition has been filed pursuant to
36 Section 311 to declare a child a dependent child of the
37 juvenile court, and until the time that the petition is
38 dismissed or dependency is terminated, upon application
39 in the manner provided by Section 527 of the Code of
40 Civil Procedure, the juvenile court may issue ex parte



1 orders (1) enjoining any parent, guardian, or current or
2 former member of the child's household from molesting,
3 attacking, striking, sexually assaulting, stalking, or
4 battering the child or any other child in the household;
5 (2) excluding any parent, guardian, or current or former
6 member of the child's household from the dwelling of the
7 person who has care, custody, and control of the child; and
8 (3) enjoining a parent, guardian, or current or former
9 member of the child's household from behavior,
10 including contacting, threatening, or disturbing the
11 peace of the child, that the court determines is necessary
12 to effectuate orders under paragraph (1) or (2).

13 (b) After a petition has been filed pursuant to Section
14 601 or 602 to declare a child a ward of the juvenile court,
15 and until the time that the petition is dismissed or
16 wardship is terminated, upon application in the manner
17 provided by Section 527 of the Code of Civil Procedure,
18 the juvenile court may issue ex parte orders (1) enjoining
19 any parent, guardian or current or former member of the
20 child's household from molesting, attacking, threatening,
21 sexually assaulting, stalking, or battering the child; (2)
22 excluding any parent, guardian, or current or former
23 member of the child's household from the dwelling of the
24 person who has care, custody, and control of the child; or
25 (3) enjoining the child from contacting, threatening,
26 stalking, or disturbing the peace of any person the court
27 finds to be at risk from the conduct of the child, or with
28 whom association would be detrimental to the child.

29 (c) In the case in which a temporary restraining order
30 is granted without notice, the matter shall be made
31 returnable on an order requiring cause to be shown why
32 the order should not be granted, on the earliest day that
33 the business of the court will permit, but not later than 15
34 days or, if good cause appears to the court, 20 days from
35 the date the temporary restraining order is granted. The
36 court may, on the motion of the person seeking the
37 restraining order, or on its own motion, shorten the time
38 for service on the person to be restrained of the order to
39 show cause. Any hearing pursuant to this section may be
40 held simultaneously with any regularly scheduled



1 hearings held in proceedings to declare a child a
2 dependent child or ward of the juvenile court pursuant
3 to Section 300, 601, or 602, or subsequent hearings
4 regarding the dependent child or ward.

5 (d) The juvenile court may issue, upon notice and a
6 hearing, any of the orders set forth in subdivisions (a),
7 (b), and (c). Any restraining order granted pursuant to
8 this subdivision shall remain in effect, in the discretion of
9 the court, not to exceed three years, unless otherwise
10 terminated by the court, extended by mutual consent of
11 all parties to the restraining order, or extended by further
12 order of the court on the motion of any party to the
13 restraining order.

14 (e) (1) The juvenile court may issue an order made
15 pursuant to subdivision (a), (c), or (d) excluding a person
16 from a residence or dwelling. This order may be issued for
17 the time and on the conditions that the court determines,
18 regardless of which party holds legal or equitable title or
19 is the lessee of the residence or dwelling.

20 (2) The court may issue an order under paragraph (1)
21 only on a showing of all of the following:

22 (A) Facts sufficient for the court to ascertain that the
23 party who will stay in the dwelling has a right under color
24 of law to possession of the premises.

25 (B) That the party to be excluded has assaulted or
26 threatens to assault the other party or any other person
27 under the care, custody, and control of the other party, or
28 any minor child of the parties or of the other party.

29 (C) That physical or emotional harm would otherwise
30 result to the other party, to any person under the care,
31 custody, and control of the other party, or to any minor
32 child of the parties or of the other party.

33 (f) Any order issued pursuant to subdivision (a), (b),
34 (c), or (d) shall state on its face the date of expiration of
35 the order.

36 (g) The juvenile court shall order any designated
37 person or attorney to mail a copy of any order, or
38 extension, modification, or termination thereof, granted
39 pursuant to subdivision (a), (b), (c), or (d), by the close
40 of the business day on which the order, extension,



1 modification, or termination was granted, and any
2 subsequent proof of service thereof, to each local law
3 enforcement agency designated by the person seeking
4 the restraining order or his or her attorney having
5 jurisdiction over the residence of the person who has care,
6 custody, and control of the child and other locations
7 where the court determines that acts of domestic
8 violence or abuse against the child or children are likely
9 to occur. Each appropriate law enforcement agency shall
10 make available through an existing system for
11 verification, information as to the existence, terms, and
12 current status of any order issued pursuant to subdivision
13 (a), (b), (c), or (d) to any law enforcement officer
14 responding to the scene of reported domestic violence or
15 abuse.

16 (h) Any willful and knowing violation of any order
17 granted pursuant to subdivision (a), (b), (c), or (d) shall
18 be a misdemeanor punishable under Section 273.65 of the
19 Penal Code.

20 (i) A juvenile court restraining order related to
21 domestic violence issued by a court pursuant to this
22 section shall be issued on forms adopted by the Judicial
23 Council of California and that have been approved by the
24 Department of Justice pursuant to subdivision (i) of
25 Section 6380 of the Family Code. However, the fact that
26 an order issued by a court pursuant to this section was not
27 issued on forms adopted by the Judicial Council and
28 approved by the Department of Justice shall not, in and
29 of itself, make the order unenforceable.

30 (j) Information on any juvenile court restraining order
31 related to domestic violence issued by a court pursuant to
32 this section shall be transmitted to the Department of
33 Justice in accordance with subdivision (b) of Section 6380
34 of the Family Code.

35 ~~SEC. 22.~~

36 *SEC. 20.* Section 11350.75 is added to the Welfare and
37 Institutions Code, to read:

38 11350.75. (a) Notwithstanding any other provision
39 of law, if a support obligor is delinquent in the payment
40 of support and the local child support agency is enforcing



1 the support obligation pursuant to Section 11350 or
2 11475.1, a lien for child support shall arise against the
3 personal property of the support obligor in either of the
4 following circumstances:

5 (1) By operation of law for all amounts of overdue
6 support, regardless of whether the amounts have been
7 adjudicated or otherwise determined.

8 (2) When either a court having continuing jurisdiction
9 or the local child support agency determines a specific
10 amount of arrearages is owed by the support obligor.

11 (b) The lien for child support shall be perfect by filing
12 a notice of child support lien with the Secretary of State
13 pursuant to Section 697.510 of the Code of Civil
14 Procedure. Once filed, the child support lien shall have
15 the same priority, force, and effect as a judgment lien on
16 personal property pursuant to Article 3 (commencing
17 with Section 697.510) of Chapter 2 of Division 2 of Article
18 9 of the Code of Civil Procedure.

19 (c) For purposes of this section, the following
20 definitions shall apply:

21 (1) “Notice of child support lien” means a document
22 filed with the Secretary of State that substantially
23 complies with the requirements of Section 697.550 of the
24 Code of Civil Procedure.

25 (2) “Support obligor is delinquent in payment of
26 support” means that the support obligor has failed to
27 make payment equal to one month’s support obligation.

28 (3) “Personal property” means that property that is
29 subject to attachment by a judgment lien pursuant to
30 Section 697.530 of the Code of Civil Procedure.

31 (d) Nothing in this section shall affect the priority of
32 any of the following interests:

33 (1) State tax liens as set forth in Article 2 (commencing
34 with Section 7170) of Division 7 of Title 1 of the
35 Government Code.

36 (2) Liens or security interests as set forth in Article 3
37 (commencing with Section 697.510) of Chapter 2 of
38 Division 2 of Article 9 of the Code of Civil Procedure.

39 (e) As between competing child support liens and
40 state tax liens, a child support lien arising under this



1 section shall have priority over a state tax lien if (1) the
2 child support lien is filed with the Secretary of State, (2)
3 the notice of child support lien is filed in an action or
4 proceeding in which the obligor may become entitled to
5 property or money judgment, or (3) the levy for child
6 support on personal property is made, before a notice of
7 state tax lien is filed with the Secretary of State pursuant
8 to Section 7171 of the Government Code or filed in an
9 action or proceeding in accordance with Section 7173 of
10 the Government Code.

11 (f) A personal property lien for child support arising in
12 another state may be enforced in the same manner and
13 to the same extent as a personal property lien arising in
14 this state.

15 ~~SEC. 23.~~

16 *SEC. 21.* Section 11475.1 of the Welfare and
17 Institutions Code is amended to read:

18 11475.1. (a) Each county shall maintain a single
19 organizational unit located in the office of the district
20 attorney which shall have the responsibility for promptly
21 and effectively establishing, modifying, and enforcing
22 child support obligations, including medical support,
23 enforcing spousal support orders established by a court of
24 competent jurisdiction, and determining paternity in the
25 case of a child born out of wedlock. The district attorney
26 shall take appropriate action, both civil and criminal, to
27 establish, modify, and enforce child support and, when
28 appropriate, enforce spousal support orders when the
29 child is receiving public assistance, including Medi-Cal,
30 and, when appropriate, may take the same actions on
31 behalf of a child who is not receiving public assistance,
32 including Medi-Cal. The district attorney shall refer all
33 child support delinquencies to the Franchise Tax Board
34 pursuant to Section 19271 of the Revenue and Taxation
35 Code.

36 (b) Actions brought by the district attorney to
37 establish paternity or child support or to enforce child
38 support obligations shall be completed within the time
39 limits set forth by federal law. The district attorney's
40 responsibility applies to spousal support only where the



1 spousal support obligation has been reduced to an order
2 of a court of competent jurisdiction. In any action brought
3 for modification or revocation of an order that is being
4 enforced under Title IV-D of the Social Security Act (42
5 U.S.C. Sec. 651 et seq.), the effective date of the
6 modification or revocation shall be as prescribed by
7 federal law (42 U.S.C. Sec. 666(a)(9)), or any subsequent
8 date.

9 (c) (1) The Judicial Council, in consultation with the
10 department and representatives of the California Family
11 Support Council, the Senate Committee on Judiciary, the
12 Assembly Committee on Judiciary, and a legal services
13 organization providing representation on child support
14 matters, shall develop simplified summons, complaint,
15 and answer forms for any action for support brought
16 pursuant to this section or Section 11350.1. The Judicial
17 Council may combine the summons and complaint in a
18 single form.

19 (2) The simplified complaint form shall provide the
20 defendant with notice of the amount of child support that
21 is sought pursuant to the guidelines set forth in Article 2
22 (commencing with Section 4050) of Chapter 2 of Part 2
23 of the Family Code based upon the income or income
24 history of the defendant as known to the district attorney.
25 If the defendant's income or income history is unknown
26 to the district attorney, the complaint shall inform the
27 defendant that income shall be presumed in an amount
28 that results in a court order equal to the minimum basic
29 standard of adequate care for Region I provided in
30 Sections 11452 and 11452.018 unless information
31 concerning the defendant's income is provided to the
32 court. The complaint form shall be accompanied by a
33 proposed judgment. The complaint form shall include a
34 notice to the defendant that the proposed judgment will
35 become effective if he or she fails to file an answer with
36 the court within 30 days of service.

37 (3) (A) The simplified answer form shall be written in
38 simple English and shall permit a defendant to answer
39 and raise defenses by checking applicable boxes. The



1 answer form shall include instructions for completion of
2 the form and instructions for proper filing of the answer.

3 (B) The answer form shall be accompanied by a blank
4 income and expense declaration or simplified financial
5 statement and instructions on how to complete the
6 financial forms. The answer form shall direct the
7 defendant to file the completed income and expense
8 declaration or simplified financial statement with the
9 answer, but shall state that the answer will be accepted
10 by a court without the income and expense declaration or
11 simplified financial statement.

12 (C) The clerk of the court shall accept and file
13 answers, income and expense declarations, and simplified
14 financial statements that are completed by hand
15 provided they are legible.

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

20 (B) The simplified answer form prepared pursuant to
21 this subdivision shall be served on all defendants with the
22 simplified complaint. Failure to serve the simplified
23 answer form on all defendants shall not invalidate any
24 judgment obtained. However, failure to serve the answer
25 form may be used as evidence in any proceeding under
26 Section 11356 of this code or Section 473 of the Code of
27 Civil Procedure.

28 (C) The Judicial Council shall add language to the
29 governmental summons, for use by the district attorney
30 with the governmental complaint to establish parental
31 relationship and child support, informing defendants that
32 a blank answer form should have been received with the
33 summons and additional copies may be obtained from
34 either the district attorney's office or the superior court
35 clerk.

36 (d) In any action brought or enforcement proceedings
37 instituted by the district attorney pursuant to this section
38 for payment of child or spousal support, an action to
39 recover an arrearage in support payments may be
40 maintained by the district attorney at any time within the



1 period otherwise specified for the enforcement of a
2 support judgment, notwithstanding the fact that the child
3 has attained the age of majority.

4 (e) The county shall undertake an outreach program
5 to inform the public that the services described in
6 subdivisions (a) to (c), inclusive, are available to persons
7 not receiving public assistance. There shall be
8 prominently displayed in every public area of every office
9 of the units established by this section a notice, in clear
10 and simple language prescribed by the Director of Social
11 Services, that the services provided in subdivisions (a) to
12 (c), inclusive, are provided to all individuals whether or
13 not they are recipients of public social services.

14 (f) In any action to establish a child support order
15 brought by the district attorney in the performance of
16 duties under this section, the district attorney may make
17 a motion for an order effective during the pendency of
18 that action, for the support, maintenance, and education
19 of the child or children that are the subject of the action.
20 This order shall be referred to as an order for temporary
21 support. This order shall have the same force and effect
22 as a like or similar order under the Family Code.

23 The district attorney shall file a motion for an order for
24 temporary support within the following time limits:

25 (1) If the defendant is the mother, a presumed father
26 under Section 7611 of the Family Code, or any father
27 where the child is at least six months old when the
28 defendant files his answer, the time limit is 90 days after
29 the defendant files an answer.

30 (2) In any other case where the defendant has filed an
31 answer prior to the birth of the child or not more than six
32 months after the birth of the child, then the time limit is
33 nine months after the birth of the child.

34 If more than one child is the subject of the action, the
35 limitation on reimbursement shall apply only as to those
36 children whose parental relationship and age would bar
37 recovery were a separate action brought for support of
38 that child or those children.

39 If the district attorney fails to file a motion for an order
40 for temporary support within time limits specified in this



1 section, the district attorney shall be barred from
2 obtaining a judgment of reimbursement for any support
3 provided for that child during the period between the
4 date the time limit expired and the motion was filed, or,
5 if no motion is filed, when a final judgment is entered.

6 Nothing in this section prohibits the district attorney
7 from entering into cooperative arrangements with other
8 county departments as necessary to carry out the
9 responsibilities imposed by this section pursuant to plans
10 of cooperation with the departments approved by the
11 State Department of Social Services.

12 Nothing in this section shall otherwise limit the ability
13 of the district attorney from securing and enforcing
14 orders for support of a spouse or former spouse as
15 authorized under any other provision of law.

16 (g) As used in this article, “enforcing obligations”
17 includes, but is not limited to, (1) the use of all
18 interception and notification systems operated by the
19 State Department of Social Services for the purposes of
20 aiding in the enforcement of support obligations, (2) the
21 obtaining by the district attorney of an initial order for
22 child support, which may include medical support or
23 which is for medical support only, by civil or criminal
24 process, (3) the initiation of a motion or order to show
25 cause to increase an existing child support order, and the
26 response to a motion or order to show cause brought by
27 an obligor parent to decrease an existing child support
28 order, or the initiation of a motion or order to show cause
29 to obtain an order for medical support, and the response
30 to a motion or order to show cause brought by an obligor
31 parent to decrease or terminate an existing medical
32 support order, without regard to whether the child is
33 receiving public assistance, (4) the response to a notice
34 of motion or order to show cause brought by an obligor
35 parent to decrease an existing spousal support order
36 when the child or children are residing with the obligee
37 parent and the district attorney is also enforcing a related
38 child support obligation owed to the obligee parent by
39 the same obligor, and (5) the use of the collection services
40 of the Franchise Tax Board to enforce the collection of



1 child support delinquencies under Section 19271 of the
2 Revenue and Taxation Code.

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

6 (i) The district attorney is the public agency
7 responsible for administering wage withholding for the
8 purposes of Title IV-D of the Social Security Act (42
9 U.S.C. Sec. 651 et seq.). Notwithstanding any other law,
10 the district attorney shall utilize the collection services of
11 the Franchise Tax Board under Section 19271 of the
12 Revenue and Taxation Code.

13 Nothing in this section shall limit the authority of the
14 district attorney granted by other sections of this code or
15 otherwise granted by law, except to the extent that the
16 law is inconsistent with the requirement to refer child
17 support delinquencies to the Franchise Tax Board for
18 collection pursuant to Section 19271 of the Revenue and
19 Taxation Code.

20 (j) In the exercise of the authority granted under this
21 article, the district attorney may intervene, pursuant to
22 subdivision (b) of Section 387 of the Code of Civil
23 Procedure, by ex parte application, in any action under
24 the Family Code, or other proceeding wherein child
25 support is an issue or a reduction in spousal support is
26 sought. By notice of motion, order to show cause, or
27 responsive pleading served upon all parties to the action,
28 the district attorney may request any relief as appropriate
29 that the district attorney is authorized to seek.

30 (k) The district attorney shall comply with any
31 guidelines established by the State Department of Social
32 Services which set time standards for responding to
33 requests for assistance in locating absent parents,
34 establishing paternity, establishing child support awards,
35 and collecting child support payments.

36 (l) As used in this article, medical support activities
37 which the district attorney is authorized to perform are
38 limited to the following:

39 (1) The obtaining and enforcing of court orders for
40 health insurance coverage.



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

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

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

8 (B) If public assistance is not currently being
9 expended, venue shall be in the superior court in the
10 county where the child who is entitled to current support
11 resides or is domiciled.

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

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

20 (E) If the support obligee does not reside in California,
21 and subparagraphs (A), (B), (C), and (D) do not apply,
22 venue shall be in the superior court of the county of
23 residence of the obligor.

24 (2) Notwithstanding paragraph (1), if the child
25 becomes a resident of another county after an action
26 under this part has been filed, venue may remain in the
27 county where the action was filed until the action is
28 completed.

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

32 ~~SEC. 23.5. Section 11475.1 of the Welfare and~~
33 ~~Institutions Code is amended to read:~~

34 ~~11475.1. (a) Each county shall maintain a single~~
35 ~~organizational unit located in the office of the district~~
36 ~~attorney which shall have the responsibility for promptly~~
37 ~~and effectively establishing, modifying, and enforcing~~
38 ~~child support obligations, including medical support,~~
39 ~~enforcing spousal support orders established by a court of~~
40 ~~competent jurisdiction, and determining paternity in the~~



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

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

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

35 (2) (A) The simplified complaint form shall provide
36 the defendant with notice of the amount of child support
37 that is sought pursuant to the guidelines set forth in
38 Article 2 (commencing with Section 4050) of Chapter 2
39 of Part 2 of the Family Code based upon the income or
40 income history of the defendant as known to the district



1 attorney. If the defendant's income or income history is
2 unknown to the district attorney, the complaint shall
3 inform the defendant that income shall be presumed in
4 an amount that results in a court order equal to the
5 minimum basic standard of adequate care for Region I
6 provided in Sections 11452 and 11452.018 unless
7 information concerning the defendant's income is
8 provided to the court.

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

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

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

28 (C) The clerk of the court shall accept and file
29 answers, income and expense declarations, and simplified
30 financial statements that are completed by hand
31 provided they are legible.

32 (D) The informational materials included with the
33 summons and complaint shall include notice of, and
34 information about, the child support services hearing
35 available pursuant to Section 10950, provided that there
36 is federal financial participation available as set forth in
37 subdivision (e) of Section 10950.

38 (4) (A) The simplified complaint form prepared
39 pursuant to this subdivision shall be used by the district



~~1 attorney or the Attorney General in all cases brought
2 under this section or Section 11350.1.~~

~~3 (B) The simplified answer form prepared pursuant to
4 this subdivision shall be served on all defendants with the
5 simplified complaint. Failure to serve the simplified
6 answer form on all defendants shall not invalidate any
7 judgment obtained. However, failure to serve the answer
8 form may be used as evidence in any proceeding under
9 Section 11356 of this code or Section 473 of the Code of
10 Civil Procedure.~~

~~11 (C) The Judicial Council shall add language to the
12 governmental summons, for use by the district attorney
13 with the governmental complaint to establish parental
14 relationship and child support, informing defendants that
15 a blank answer form should have been received with the
16 summons and additional copies may be obtained from
17 either the district attorney's office or the superior court
18 clerk.~~

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

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

~~37 (f) (1) In any action to establish a child support order
38 brought by the district attorney in the performance of
39 duties under this section, the district attorney may make
40 a motion for an order effective during the pendency of~~



1 ~~that action, for the support, maintenance, and education~~
2 ~~of the child or children that are the subject of the action.~~
3 ~~This order shall be referred to as an order for temporary~~
4 ~~support. This order shall have the same force and effect~~
5 ~~as a like or similar order under the Family Code.~~

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

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

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

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

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

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

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

39 ~~(g) As used in this article, “enforcing obligations”~~
40 ~~includes, but is not limited to, (1) the use of all~~



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

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

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

36 ~~(2) Nothing in this section shall limit the authority of~~
37 ~~the district attorney granted by other sections of this code~~
38 ~~or otherwise granted by law, except to the extent that the~~
39 ~~law is inconsistent with the requirement to refer child~~
40 ~~support delinquencies to the Franchise Tax Board for~~



1 collection pursuant to Section 19271 of the Revenue and
2 Taxation Code.

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

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

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

22 (1) The obtaining and enforcing of court orders for
23 health insurance coverage.

24 (2) Any other medical support activity mandated by
25 federal law or regulation.

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

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

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

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



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

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

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

13 ~~(n) The district attorney of one county may appear on~~
14 ~~behalf of the district attorney of any other county in an~~
15 ~~action or proceeding under this part.~~

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

23 ~~SEC. 24.~~

24 ~~SEC. 22.~~ Section 18205 of the Welfare and Institutions
25 Code is amended and renumbered to read:

26 18205.5. The director may, pursuant to this article,
27 approve county demonstration projects to provide
28 employment and training services to nonsupporting,
29 noncustodial parents of children who are recipients of aid
30 under Chapter 2 (commencing with Section 11200) of
31 Part 3 or Article 5 (commencing with Section 18241) of
32 Chapter 3.3 of Part 6 or any other public social service as
33 defined in Section 10051. In a county operating a
34 demonstration project pursuant to this section, the
35 superior court may order a nonsupporting, noncustodial
36 parent of a child receiving aid under Chapter 2
37 (commencing with Section 11200) of Part 3 or Article 5
38 (commencing with Section 18241) of Chapter 3.3 of Part
39 6 or any other public social service as defined in Section
40 10051 to participate, as appropriate, in job training, job



1 search, vocational rehabilitation, and other work
2 activities, as well as in parental development training.
3 The superior court, the child support division of the
4 district attorney's office, and the county welfare
5 department, in a demonstration county, shall all agree to
6 cooperate in the operation of the demonstration project.

7 ~~SEC. 25.~~

8 *SEC. 22.5. Section 18205 of the Welfare and*
9 *Institutions Code is amended and renumbered to read:*

10 ~~18205.~~

11 *18205.5. The ~~director~~ Director of Child Support*
12 *Services* may, pursuant to this article, approve county
13 demonstration projects to provide employment and
14 training services to nonsupporting, noncustodial parents
15 of children who are recipients of aid under Chapter 2
16 (commencing with Section 11200) of Part 3 *or Article 5*
17 *(commencing with Section 18241) of Chapter 3.3 of Part*
18 *6 or any other public social service as defined in Section*
19 *10051. In a county operating a demonstration project*
20 *pursuant to this section, the superior court may order a*
21 *nonsupporting, noncustodial parent of a child receiving*
22 *aid under Chapter 2 (commencing with Section 11200) of*
23 *Part 3 or Article 5 (commencing with Section 18241) of*
24 *Chapter 3.3 of Part 6 or any other public social service as*
25 *defined in Section 10051 to participate, as appropriate, in*
26 *job training, job search, vocational rehabilitation, and*
27 *other work activities, as well as in parental development*
28 *training. The superior court, ~~the child support division of~~*
29 *~~the district attorney's office~~ county department of child*
30 *support services, and the county welfare department, in*
31 *a demonstration county, shall all agree to cooperate in the*
32 *operation of the demonstration project.*

33 *SEC. 23. The expansion of eligibility for services*
34 *under Section 18205.5 of the Welfare and Institutions*
35 *Code provided for under Section ~~24~~ 22 of this act shall be*
36 *accomplished within budgeted resources.*

37 ~~SEC. 26. Section 18~~

38 *SEC. 24. Section 16 of this act shall become operative*
39 *July 1, 2001.*



1 ~~SEC. 27. Section 14 of this bill shall become operative~~
2 ~~only if (1) AB 196 is enacted and becomes operative on~~
3 ~~or before January 1, 2000, (2) that bill adds Section 17400~~
4 ~~to the Family Code, and (3) this bill is enacted after AB~~
5 ~~196.~~

6 ~~SEC. 28. Section 15 of this bill shall becomes operative~~
7 ~~only if (1) SB 542 is enacted and becomes operative on or~~
8 ~~before January 1, 2000, (2) that bill adds Section 17400 to~~
9 ~~the Family code, and (3) this bill is enacted after SB 542.~~

10 ~~SEC. 29. (a) Section 16 of this bill shall become~~
11 ~~operative only if (1) AB 196 is enacted and becomes~~
12 ~~operative on or before January 1, 2000, (2) AB 196 adds~~
13 ~~Section 17400 to the Family Code, (3) SB 542 is not~~
14 ~~enacted or as enacted does not add that section to the~~
15 ~~Family Code, or AB 196 is enacted after SB 542, (4) AB~~
16 ~~472 is not enacted or as enacted does not amend Section~~
17 ~~11475.1 of the Welfare and Institutions Code, and (5) this~~
18 ~~bill is enacted last, in which case, Sections 16.2, 16.4, 16.6,~~
19 ~~23, and 23.5 of this bill shall not become operative.~~

20 ~~(b) Section 16.2 of this bill shall become operative only~~
21 ~~if (1) SB 542 is enacted and becomes operative on or~~
22 ~~before January 1, 2000, (2) SB 542 adds Section 17400 to~~
23 ~~the Family Code, (3) AB 196 is not enacted or as enacted~~
24 ~~does not add that section to the Family Code, or SB 542~~
25 ~~is enacted after AB 196, (4) AB 472 is not enacted or as~~
26 ~~enacted does not amend Section 11475.1 of the Welfare~~
27 ~~and Institutions Code, and (5) this bill is enacted last, in~~
28 ~~which case, Sections 16, 16.4, 16.6, 23, and 23.5 of this bill~~
29 ~~shall not become operative.~~

30 ~~(c) Section 16.4 of this bill shall become operative only~~
31 ~~if (1) AB 196 is enacted and becomes operative on or~~
32 ~~before January 1, 2000, (2) AB 196 adds Section 17400 to~~
33 ~~the Family Code, (3) SB 542 is not enacted or as enacted~~
34 ~~does not add that section to the Family Code, or AB 196~~
35 ~~is enacted after SB 542, (4) AB 472 is enacted, becomes~~
36 ~~effective on or before January 1, 2000, and amends~~
37 ~~Section 11475.1 of the Welfare and Institutions Code, and~~
38 ~~(5) this bill is enacted last, in which case, Sections 16, 16.2,~~
39 ~~16.6, 23, and 23.5 of this bill shall not become operative.~~



1 ~~(d) Section 16.6 of this bill shall become operative only~~
2 ~~if (1) SB 542 is enacted and becomes operative on or~~
3 ~~before January 1, 2000, (2) SB 542 adds Section 17400 to~~
4 ~~the Family Code, (3) AB 196 is not enacted or as enacted~~
5 ~~does not add that section to the Family Code, or SB 542~~
6 ~~is enacted after AB 196, (4) AB 472 is enacted, becomes~~
7 ~~effective on or before January 1, 2000, and amends~~
8 ~~Section 11475.1 of the Welfare and Institutions Code, and~~
9 ~~(5) this bill is enacted last, in which case, Sections 16, 16.2,~~
10 ~~16.4, 23, and 23.5 of this bill shall not become operative.~~

11 ~~SEC. 30. Section 17 of this bill shall become operative~~
12 ~~only if either SB 542 or AB 196, or both of them, are~~
13 ~~enacted and become operative on or before January 1,~~
14 ~~2000, and this bill is enacted after SB 542 and AB 196, in~~
15 ~~which case, Section 22 of this bill shall not become~~
16 ~~operative.~~

17 ~~SEC. 31. Section 21.5~~

18 *SEC 25. Section 15 of this bill shall become operative*
19 *only if AB 196 is enacted and becomes operative on or*
20 *before January 1, 2000, and this bill is enacted after AB*
21 *196, in which case, Section 20 of this bill shall not become*
22 *operative.*

23 *SEC. 26. (a) Section 14 of this bill shall become*
24 *operative only if (1) AB 196 is enacted and becomes*
25 *operative on or before January 1, 2000, and that bill adds*
26 *Section 17400 to the Family Code, (2) SB 542 is not*
27 *enacted or as enacted does not amend that section, (3)*
28 *AB 380 is not enacted or as enacted does not amend*
29 *Section 11475.1 of the Welfare and Institutions Code, and*
30 *(4) this bill is enacted last, in which case, Sections 14.2,*
31 *14.4, 14.6, and 21 of this bill shall not become operative.*

32 *(b) Section 14.2 of this bill incorporates amendments*
33 *to Section 17400 of the Family Code, as added by AB 196,*
34 *proposed by both this bill and SB 542. It shall only become*
35 *operative if (1) AB 196 is enacted and becomes operative*
36 *on or before January 1, 2000, and that bill adds Section*
37 *17400 to the Family Code, (2) both this bill and SB 542 are*
38 *enacted and become effective on or before January 1,*
39 *2000, (3) both this bill and SB 542 amend Section 17400 of*
40 *the Family Code, as added by AB 196, (4) AB 380 is not*



1 enacted or as enacted does not amend Section 11475.1 of
2 the Welfare and Institutions Code, and (5) this bill is
3 enacted last, in which case Sections 14, 14.4, 14.6, and 21
4 of this bill shall not become operative.

5 (b) Section 14.4 of this bill incorporates amendments
6 to Section 17400 of the Family Code, as added by AB 196,
7 proposed by both this bill and AB 380. It shall only become
8 operative if (1) AB 196 is enacted and becomes operative
9 on or before January 1, 2000, and that bill adds Section
10 17400 to the Family Code, (2) both this bill and AB 380 are
11 enacted and become effective on or before January 1,
12 2000, (3) AB 380 amends Section 11475.1 of the Welfare
13 and Institutions Code, (4) SB 542 is not enacted or as
14 enacted does not amend Section 17400 of the Family
15 Code, and (5) this bill is enacted last, in which case
16 Sections 14, 14.2, 14.6, and 21 of this bill shall not become
17 operative.

18 (c) Section 14.6 of this bill incorporates amendments
19 to Section 17400 of the Family Code, as added by AB 196,
20 proposed by this bill, SB 542, and AB 380. It shall only
21 become operative if (1) AB 196 is enacted and becomes
22 operative on or before January 1, 2000, and that bill adds
23 Section 17400 to the Family Code, (2) this bill, SB 542, and
24 AB 380 are enacted and become effective on or before
25 January 1, 2000, (3) both this bill and SB 542 amend
26 Section 17400 of the Family Code, as added by AB 196, (4)
27 AB 380 amends Section 11475.1 of the Welfare and
28 Institutions Code, and (5) this bill is enacted last, in which
29 case Sections 14, 14.2, 14.4, and 21 of this bill shall not
30 become operative.

31 (d) Section 21 of his bill shall become operative only if
32 AB 196 is not enacted or as enacted does not repeal
33 Section 11475.1 of the Welfare and Institutions Code.

34 SEC. 27. Section 17.5 of this bill incorporates
35 amendments to Section 19272 of the Revenue and
36 Taxation Code proposed by both this bill and SB 542. It
37 shall only become operative if (1) both bills are enacted
38 and become effective on or before January 1, 2000, (2)
39 each bill amends Section 19272 of the Revenue and
40 Taxation Code, and (3) this bill is enacted after SB 542, in



1 *which case Section 17 of this bill shall not become*
2 *operative.*

3 *SEC. 28. Section 19.5 of this bill incorporates*
4 *amendments to Section 213.5 of the Welfare and*
5 *Institutions Code proposed by both this bill and AB 825.*
6 *It shall only become operative if (1) both bills are enacted*
7 *and become effective on or before January 1, 2000, (2)*
8 *each bill amends Section 213.5 of the Welfare and*
9 *Institutions Code, and (3) this bill is enacted after AB 825,*
10 *in which case Section 21 19 of this bill shall not become*
11 *operative.*

12 ~~*SEC. 32. Section 23.5 of this bill incorporates*~~
13 ~~*amendments to Section 11475.1 of the Welfare and*~~
14 ~~*Institutions Code proposed by both this bill and AB 472.*~~
15 ~~*It shall only become operative if (1) both bills are enacted*~~
16 ~~*and become effective on or before January 1, 2000, (2)*~~
17 ~~*each bill amends Section 11475.1 of the Welfare and*~~
18 ~~*Institutions Code, (3) this bill is enacted after AB 472, and*~~
19 ~~*(4) neither SB 542 nor AB 196 are enacted or as enacted*~~
20 ~~*do not add Section 17400 to the Family Code, in which*~~
21 ~~*case Sections 14, 15, 16, 16.2, 16.4, 16.6, 16.8, and 23 of this*~~
22 ~~*bill shall not become operative.*~~

23 ~~*SEC. 33.*~~
24 *SEC. 28. Section 22.5 of this bill incorporates*
25 *amendments to Section 18205 of the Welfare and*
26 *Institutions Code proposed by both this bill and SB 542.*
27 *It shall only become operative if (1) both bills are enacted*
28 *and become effective on or before January 1, 2000, (2)*
29 *each bill amends Section 18205 of the Welfare and*
30 *Institutions Code, and (3) this bill is enacted after SB 542,*
31 *in which case Section 22 of this bill shall not become*
32 *operative.*

33 *SEC. 29. No reimbursement is required by this act*
34 *pursuant to Section 6 of Article XIII B of the California*
35 *Constitution for certain costs that may be incurred by a*
36 *local agency or school district because in that regard this*
37 *act creates a new crime or infraction, eliminates a crime*
38 *or infraction, or changes the penalty for a crime or*
39 *infraction, within the meaning of Section 17556 of the*
40 *Government Code, or changes the definition of a crime*



1 within the meaning of Section 6 of Article XIII B of the
2 California Constitution.

3 However, notwithstanding Section 17610 of the
4 Government Code, if the Commission on State Mandates
5 determines that this act contains other costs mandated by
6 the 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.

