

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

SB 946 (Jones)

Version: February 8, 2022

Hearing Date: March 29, 2022

Fiscal: Yes

Urgency: No

AWM

SUBJECT

Child support payments

DIGEST

This bill requires a local child support agency to notify the court when the agency is providing services in specified child support cases and proceedings.

EXECUTIVE SUMMARY

Current law requires the Department of Child Support Services (DCSS) and local child support agencies to provide certain services involving the collection of child support and related matters. When DCSS or a local child support agency becomes involved in a case involving court-ordered child support, it *must* notify the support obligor and support obligee of its involvement, and it *may*, but is not required to, provide such notice to the court that issued the order. According to the author, courts are not consistently notified of DCSS and/or local child support agency involvement, which can lead to confusion and duplicative action by the courts. This bill simply changes the provisions permitting court notice to provisions mandating court notice, so that courts will consistently be aware of when a local child support agency is involved in a case relating to court-ordered child support.

This bill is sponsored by the California Judges Association and supported by the Child Support Directors Association. There is no known opposition.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes DCSS as the single statewide agency responsible for the administration and management of California's child support enforcement program. (Fam. Code, § 17202.)
- 2) Requires each county to maintain a local child support agency, which is responsible for promptly and effectively establishing, modifying, and enforcing child support obligations. (Fam. Code, § 17400.)
- 3) Provides that, as a condition of eligibility for cash assistance under CalWORKS, an applicant or recipient must assign to the county their rights to any child support owed at the time of the application and during the receipt of benefits in an amount not to exceed the total cash assistance provided to the family. (Welf. & Inst. Code, § 11477.)
- 4) Permits a person with custody of a child to request the local child support agency to assist with the enforcement of a child support order. (Fam. Code, § 17400.)
- 5) Provides that, when a local child support agency takes one of the actions in 3) and 4) relating to a child who is the subject of a court-issued support order, the local child support agency:
 - a) Must issue a notice to the child support obligor and obligee that the payments will be directed to the local child support agency; and
 - b) May serve the notice on the court in which the support order was issued. (Fam. Code, § 4204.)
- 6) Provides that a local child support agency may accept and disburse court-ordered child support payments under specified circumstances. (Fam. Code, § 5700.319.)
- 7) Provides that, when a local child support agency accepts and disburses payments as set forth in 6) relating to a child who is the subject of a court-issued support order, the local child support agency or DCSS:
 - a) Must issue a notice that the payments will be directed to the local child support agency on the child support obligor and obligee; and
 - b) May serve the notice on the court in which the support order was issued. (Fam. Code, § 17404.4.)

This bill:

- 1) Requires a local child support agency, when taking one of the actions in 3) and 4) relating to a child who is the subject of a court-issued support order, to serve the court that issued the support order with the notice of the action.
- 2) Requires a local child support agency or DCSS, when taking the action in 5) relating to a child who is the subject of a court-issued support order, to serve the court that issued the support order with the notice of the action.

COMMENTS

1. Author's comment

According to the author:

SB 946 improves transparency and communication between the California Department of Child Support Services (DCSS) and the courts by requiring either DCSS or a local child support agency to notify the court when a local child support agency provides services to a child support case or proceeding. Currently, the Department *may* notify their involvement in a child support case using an FL-632 form. According to family law judges from across the state, FL-623 forms are not filed consistently by all local child support agencies. This inconsistent filing leaves the court unaware of whether a local child support agency is already involved in a case or not, which can cause delays in child support modifications and enforcement. This inconsistency can also lead to excessive court hearings being set, and unnecessary travel, time, and expense by parents and guardians, many of whom have to take the day off work to come to the courthouse.

By requiring, rather than allowing, either DCSS or a local child support agency to file a FL-632 every time the local child support agency enters or leaves a case, SB 946 will improve transparency, communication, and accurate data collection for the purposes of determining funding.

2. This bill requires, rather than allows, a local child support agency and or DCSS to notify the court with jurisdiction over a support order of certain actions by the local child support agency

Current law authorizes a local child support agency to take certain actions in a child support matter, including receiving child support payments as part of a CalWORKS reimbursement or to distribute in accordance with a court order, and assisting with the

collection of court-ordered child support payments.¹ When the local child support agency undertakes one of these tasks in a case involving court-ordered child support, the agency – or in some cases, DCSS – must notify the support obligor and obligee (usually the parents) of its involvement.² Additionally, the local child support agency and/or DCSS may, but is not required to, notify the court that issued the child support order of its involvement in the matter.³ The Judicial Council of California created a form for providing this optional notice to the courts.⁴

According to the sponsor of the bill, the California Judges Association, notice of the local child support agency’s involvement is not consistently given to courts. The sponsor states that the lack of notice can lead to confusion, delays, and unnecessary hearings as a result of the court being unaware that the local child support agency is already taking action.

This bill is intended to provide courts with consistent notice of when a local child support agency is involved in a case by changing the statutory language stating that notice “may” be provided to the court to language stating that notice “shall” be provided to the court. Writing in support of the bill, the Child Support Directors Association states that the benefits of the bill – statewide consistency, better workload data, and better service for the parties involved – justify the increase in local child support agencies’ workload.

3. Arguments in support

According to the California Judges Association, the sponsor of the bill:

Currently, local child support agencies offer parents and guardians assistance with child support cases. That assistance can be in the form of establishing paternity, locating missing parents, requesting child or medical support orders from the court, enforcing child support orders and collecting and sending child support payments. Under current law, the Department of Child Support Services (DCSS) and local child support agencies may issue a notice of their involvement in a child support case to the superior court. Unfortunately, family law judges throughout the state believe that the issuance of this notice to the court is inconsistent.

Our family law judges believe that this inconsistency is leading to the setting of excessive court hearings, delays in services, and unnecessary travel, time, and expense by parents and guardians – many of whom have to take the day off of

¹ Fam. Code, §§ 5700.319, 17400; Welf. & Inst. Code, § 11477.

² Fam. Code, §§ 4204, 17404.4.

³ *Id.*, §§ 4304, 17404.4.

⁴ See Notice Regarding Payment of Support, FL-632 (rev. Jul. 1, 2015), available at <https://www.courts.ca.gov/documents/fl632.pdf> (last visited Mar. 2, 2022).

work to come to the courthouse. SB 946 resolves this inconsistency by requiring DCSS and local child support agencies to send notices when the department or agency is entering into or exiting a child support case. This simple change is in the best interests of the court, parents/guardians, and other family law parties.

SUPPORT

California Judges Association (sponsor)
Child Support Directors Association

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation: SB 646 (Jackson, Ch. 493, Stats. 2015) revised and recast the Uniform Family Support Act, including provisions relating to a local child support agency's obligation to receive and disburse child support payments.
