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WELFARE AND INSTITUTIONS CODE - WIC

DIVISION 8. MISCELLANEOUS [8050 - 8266] (*Division 8 repealed and added by Stats. 1967, Ch. 1667.*)

CHAPTER 4.6. Exemption of Golden State Stimulus Payments and Golden State Grant Payments from Garnishment Orders [8152- 8152.] (*Chapter 4.6 added by Stats. 2021, Ch. 12, Sec. 4.*)

8152. (a) (1) A Golden State Stimulus payment made by the Controller pursuant to Section 8150 or 8150.2, a Golden State Grant payment made by the State Department of Social Services or contracted entities pursuant to Section 8151, and a payment made pursuant to Section 12201.7 shall be automatically exempt from a garnishment order.

(2) This subdivision does not apply to a garnishment order in connection with an action for, or a judgment awarding, child support, spousal support, family support, or a criminal restitution payable to victims.

(b) Notwithstanding any other law, a financial institution receiving directly from the state the payments described in subdivision (a) shall exempt those payments from any garnishment order if the payment is marked by the state as a "Golden State Stimulus payment," "Golden State Stimulus II payment," or "Golden State Grant payment" or includes some other industry-standard unique identifier that is reasonably sufficient to allow the financial institution to identify the funds as a Golden State Stimulus payment, Golden State Stimulus II payment, or Golden State Grant payment.

(c) (1) In exempting a Golden State Stimulus payment, a Golden State Stimulus II payment, or Golden State Grant payment from a garnishment order, a financial institution shall identify an exempt deposit using a lookback period during an account review.

(2) The financial institution shall perform a one-time account review consistent with the requirements described in subsection (a) of Section 212.5 of Title 31 of the Code of Federal Regulations.

(d) A financial institution that attempts in good faith to comply with this section shall not be subject to liability or regulatory action under a federal or state law, regulation, court or other order, or regulatory interpretation for actions concerning applicable payments.

(e) As used in this section:

(1) "Account review" means the process of examining deposits in an account to determine if a benefit agency has deposited a benefit payment into the account during the lookback period.

(2) "Garnishment order" means a writ, order, notice, summons, judgment, levy, or similar written instruction issued by a court, a state or state agency, or a municipality or municipal corporation, including an order to freeze the assets in an account, to effect a garnishment against a debtor.

(3) "Lookback period" means the two-month period that begins on the date preceding the date of account review and ends on the corresponding date of the month two months earlier or on the last date of the month two months earlier if the corresponding date does not exist.

(Amended by Stats. 2021, Ch. 71, Sec. 7. (SB 139) Effective July 12, 2021.)