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Title 22@ Social Security

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Division 13@ Department of Child Support Services

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Chapter 2@ Case Intake

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Article 4@ Case Processing

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Section 112150@ Case Processing-CalWORKs Referrals

112150 Case Processing-CalWORKs Referrals

(a)

Upon receipt of a CalWORKs referral, each local child support agency shall seek to establish paternity, if necessary, and to obtain either or both of the orders specified in (1) and (2), below: (1) An order for current support which shall comply with the statewide uniform guideline specified in Article 2, of Part 2, of Division 9, of the Family Code, if either of the conditions specified below exist: (A) An order for support of all the minor child(ren) subject to the Cal-WORKs grant does not already exist and the family continues to receive CalWORKs. (B) Following the receipt of a CalWORKs referral a custodial party ceases to receive public assistance under the CalWORKs program, but continues to receive Title IV-D services. (2) An order for reimbursement of the costs of any public assistance under the CalWORKs program provided during the period of the noncustodial parent's absence, unless an order has already been established. A reimbursement order sought by a local child support agency shall comply with the statewide uniform guideline specified in Article 2, of Part 2, of Division 9, of the Family Code and shall be reduced by a local child support agency of a county in which a CalWORKs recipient is receiving Cal-WORKs by any amount actually paid by a noncustodial parent to a custodial party or to a local child support agency during the period of separation or desertion for the support and maintenance of the family. Such orders shall be subject to the following: (A) For cases filed on or

after January 1, 2000, the order for the support and maintenance of the family shall not exceed one year prior to the date of the filing of the petition or complaint. (B) For cases filed prior to January 1, 2000, the order for the support and maintenance of the family shall not exceed three years prior to the date of the filing of the petition or complaint.

(1)

An order for current support which shall comply with the statewide uniform guideline specified in Article 2, of Part 2, of Division 9, of the Family Code, if either of the conditions specified below exist: (A) An order for support of all the minor child(ren) subject to the Cal-WORKs grant does not already exist and the family continues to receive CalWORKs. (B) Following the receipt of a CalWORKs referral a custodial party ceases to receive public assistance under the CalWORKs program, but continues to receive Title IV-D services.

(A)

An order for support of all the minor child(ren) subject to the Cal-WORKs grant does not already exist and the family continues to receive CalWORKs.

(B)

Following the receipt of a CalWORKs referral a custodial party ceases to receive public assistance under the CalWORKs program, but continues to receive Title IV-D services.

(2)

An order for reimbursement of the costs of any public assistance under the CalWORKs program provided during the period of the noncustodial parent's absence, unless an order has already been established. A reimbursement order sought by a local child support agency shall comply with the statewide uniform guideline specified in Article 2, of Part 2, of Division 9, of the Family Code and shall be reduced by a local child support agency of a county in which a CalWORKs recipient is receiving Cal-WORKs by any

amount actually paid by a noncustodial parent to a custodial party or to a local child support agency during the period of separation or desertion for the support and maintenance of the family. Such orders shall be subject to the following: (A) For cases filed on or after January 1, 2000, the order for the support and maintenance of the family shall not exceed one year prior to the date of the filing of the petition or complaint. (B) For cases filed prior to January 1, 2000, the order for the support and maintenance of the family shall not exceed three years prior to the date of the filing of the petition or complaint.

(A)

For cases filed on or after January 1, 2000, the order for the support and maintenance of the family shall not exceed one year prior to the date of the filing of the petition or complaint.

(B)

For cases filed prior to January 1, 2000, the order for the support and maintenance of the family shall not exceed three years prior to the date of the filing of the petition or complaint.

(b)

Each local child support agency shall enforce any existing valid support order(s) established for the family and/or child(ren) subject to a CalWORKs grant.

(c)

When a CalWORKs recipient is no longer eligible for assistance under the CalWORKs program, a local child support agency shall continue to: (1) Provide Title IV-D services and notify the former CalWORKs recipient, in writing, within five business days of receipt of the county welfare department's notification of ineligibility, that Title IV-D services shall be continued unless the local child support agency is notified in writing by the former CalWORKs recipient that services should be discontinued. The notice shall inform the former CalWORKs recipient of his/her rights and responsibilities of continuing to receive Title IV-D

services, including available services and distribution policies. (2) Collect any assigned arrearages that have accrued.

(1)

Provide Title IV-D services and notify the former CalWORKs recipient, in writing, within five business days of receipt of the county welfare department's notification of ineligibility, that Title IV-D services shall be continued unless the local child support agency is notified in writing by the former CalWORKs recipient that services should be discontinued. The notice shall inform the former CalWORKs recipient of his/her rights and responsibilities of continuing to receive Title IV-D services, including available services and distribution policies.

(2)

Collect any assigned arrearages that have accrued.