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Title 22@ Social Security

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Division 13@ Department of Child Support Services

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Chapter 6@ Enforcement Actions

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Subchapter 6.1@ Immediate Enforcement Actions

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Article 3@ Real Property Liens

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Section 116130@ Recording/Creating Real Property Liens

116130 Recording/Creating Real Property Liens

(a)

A local child support agency shall record a real property lien against the real property of an obligor to obtain compliance with money judgments or orders enforced by a local child support agency pursuant to Title IV-D of the Social Security Act. A local child support agency shall prepare and submit for recording a real property lien within 45 days of the date a money judgment or order is received by the local child support agency, a case is opened for enforcement of an existing order or judgment, or an existing order is registered for enforcement. A local child support agency shall not record a real property lien when the order indicates a zero support amount, or when the order is reserved.

(b)

A local child support agency shall not record a real property lien against the real property of an obligor who has filed for bankruptcy under Chapter 13, except in those instances where the real property is not part of the bankruptcy estate.

(c)

A local child support agency shall record a real property lien for the following types of cases: (1) Intercounty responding cases. (2) Intracounty cases. (3) Interstate initiating cases. Real property liens shall only be recorded if the obligor is known to have or is likely to acquire real property interests in California. (4) Interstate responding cases.

(1)

Intercounty responding cases.

(2)

Intracounty cases.

(3)

Interstate initiating cases. Real property liens shall only be recorded if the obligor is known to have or is likely to acquire real property interests in California.

(4)

Interstate responding cases.

(d)

A local child support agency shall record a real property lien by recording with the county recorder one of the following: (1) An abstract of support judgment. (2) An Abstract of Support Judgment (notice of support judgment) Form CA 8580 (7/1/03). (3) A certified copy of the order/money judgment. (4) A federal Notice of Lien. The local child support agency shall record such a lien in another state when the custodial party resides in California and the obligor resides in a state other than California only if the local child support agency does not request enforcement by another state through the two-state interstate process as specified in Chapter 7.

(1)

An abstract of support judgment.

(2)

An Abstract of Support Judgment (notice of support judgment) Form CA 8580 (7/1/03).

(3)

A certified copy of the order/money judgment.

(4)

A federal Notice of Lien. The local child support agency shall record such a lien in

another state when the custodial party resides in California and the obligor resides in a state other than California only if the local child support agency does not request enforcement by another state through the two-state interstate process as specified in Chapter 7.

(e)

A local child support agency shall record a real property lien as follows: (1) In the county where the obligor resides. (2) In the counties where the parent(s) of the obligor resides, if known and if different from the county of the obligor. (3) In the counties where the obligor is known to have, or could reasonably be expected to acquire, real property.

(1)

In the county where the obligor resides.

(2)

In the counties where the parent(s) of the obligor resides, if known and if different from the county of the obligor.

(3)

In the counties where the obligor is known to have, or could reasonably be expected to acquire, real property.