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Title 22@ Social Security

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Division 13@ Department of Child Support Services

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Chapter 8@ Case Closure

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Article 2@ Case Closure

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Section 118203@ Requirements for Case Closure

118203 Requirements for Case Closure

(a)

Each local child support agency shall establish and use a system for closing Title IV-D cases and shall close any case when it meets at least one of the following case closure criteria: (1) There is no longer a current support order and no arrearage payments were made in the preceding twelve consecutive months, and assigned and unassigned arrears total less than \$500 or arrears are unenforceable under state law. Situations to which this criterion apply include, but are not limited to, the following: (A) Reconciliation of the family. (B) The death of a child for whom support is owed. (C) Paternity is established and is the only Title IV-D service needed because both parents in a Title IV-A grant are living together. (D) A child for whom support is sought dies before paternity can be established. (E) Cases with medical support orders with specific dollar amounts and arrears which accrue under such orders. (F) Emancipation of the youngest child. (2) The noncustodial parent or alleged father is deceased and no further action can be taken, including a levy against the estate. The local child support agency shall: (A) Verify the death of the noncustodial parent or alleged father. (B) Document that attempts to identify assets in the estate that could be levied against were unsuccessful. The closure notice required by subsection (b) below, shall include information about possible Social Security Administration death benefits pursuant to subsection (b)(3)(C). (3) Paternity cannot be established because of one of

the following: (A) The youngest child requiring paternity establishment has reached 18 years of age and there is no pending judicial action to establish the child's paternity. (B) A genetic test, or court, or administrative process has excluded the alleged father and the custodial party has attested under penalty of perjury that he or she does not know the identity of other individuals who could be the father. (C) A local child support agency, in conjunction with the county welfare department, determines that the child's best interest will not be served by establishing paternity in a case involving incest or forcible rape, or a case where legal proceedings for adoption are pending. (D) Either the first or the last name of the biological father is unknown and cannot be identified after diligent efforts, including at least one face-to-face interview by the local child support agency with the custodial party. For the purpose of this subparagraph "diligent efforts" means acting on leads the custodial party may provide that could help identify and locate the biological father, such as a last known address or employer. The interview required in this subparagraph may be conducted by telephone when the custodial party would have to travel at least 60 miles, or take time from work to be interviewed face-to-face, or is disabled, or lacks transportation. (E) The child was conceived as the result of artificial insemination of a woman other than the donor's wife, and the husband of the woman, if any, did not consent to the insemination. (4) The noncustodial parent's or alleged father's residence, employment address, earnings and assets are unknown, and the local child support agency has made diligent but unsuccessful quarterly attempts using all locate sources, pursuant to Section 113100, to locate the noncustodial parent or alleged father and his/her earnings or assets. Such efforts shall be made over a three-year period when there is sufficient information to initiate an automated locate effort, or over a one-year period when there is insufficient information to

initiate an automated locate effort. (A) For the purpose of this subparagraph, "sufficient information" means the first and last name and date of birth, and/or Social Security Number of the noncustodial parent or alleged father. (B) For the purpose of this subparagraph, "diligent" means a local child support agency has done both of the following: 1. For the one-year period, contacted the custodial party at least once to ask for information which might serve to further identify and locate the noncustodial parent or alleged father. 2. Made every reasonable effort to obtain the missing or incomplete Social Security Number of the noncustodial parent or alleged father using all appropriate sources including, but not limited to, the California Parent Locator Service, the Department of Motor Vehicles, the Social Security Administration, and the Federal Parent Locator Service. (5) The local child support agency determines that the noncustodial parent has no earnings or assets which could be levied or attached for support and the noncustodial parent cannot pay support for the duration of the child's minority for any of the following reasons: (A) The noncustodial parent is institutionalized in a psychiatric facility. (B) The noncustodial parent is incarcerated with no chance of parole. (C) The noncustodial parent has a medically verified total and permanent disability with no evidence of support potential. (D) The noncustodial parent receives SSI/SSP and has no other attachable income or assets. (6) The noncustodial parent lives in a foreign country. (A) The noncustodial parent resides in a country other than Mexico and all of the following apply: 1. The noncustodial parent is a citizen of that country. 2. The noncustodial parent does not work for the United States government or a company which has its headquarters or offices in the United States. 3. The noncustodial parent has no reachable domestic earnings or assets. 4. California does not have reciprocity with the country. (B) The noncustodial parent resides in Mexico and in addition to the criteria specified in (A) 1. through 3.

above, the case is a California-initiated request for reciprocal child support services with Mexico, and at least one of the following apply: 1. Paternity is at issue and either California does not have the basis to establish paternity using the jurisdiction, specified in Section 5700.201, Family Code, or use of such jurisdiction to establish paternity is appropriate and has been attempted but the local child support agency is unable to establish paternity. 2. The noncustodial parent's location is not known. 3. The noncustodial parent is not known to be working, or the local child support agency is unable to determine the noncustodial parent's employer. 4. The local child support agency cannot be provided with a photograph of the noncustodial parent. 5. The only issue in the case is retroactive support for past public assistance paid. (7) A local child support agency has provided non-Title IV-D location-only services, pursuant to Section 113200, as requested by the custodial party, legal guardian, attorney, or agent, of a child who is not receiving public assistance, whether or not such services were successful. (8) A recipient of services who is currently not receiving public assistance under Title IV-A, requests closure of a case and there is no assignment for medical support and no assigned arrears. (9) The court determines it would be inappropriate to establish a child support order for a case in which retroactive child support for past assistance paid is the only issue. (10) There has been a finding of good cause, as specified in Section 11477.04, or Section 14008.6, Welfare and Institutions Code, or other exceptions to cooperation with the local child support agency, and the State or county welfare department has determined that support enforcement may not proceed without risk of harm to the child or caretaker. (11) Except as specified in subparagraph (C), a local child support agency is unable to contact a non-Title IV-A recipient of services over a 60-day period after having made at least one attempt to contact the recipient of services

by telephone, sending a letter by first-class mail to the last known address of the recipient of services, and after using the Department of Motor Vehicles and other locate sources to locate the recipient of services. (A) The 60-day period shall commence with the date that the contact letter is mailed to the last known address of the recipient of services. (B) A local child support agency shall not mail the case closure letter required by subsection (b), below, until 60 days have elapsed from the date the contact letter was mailed to the recipient of services; and until all responses from queried locate sources have been received indicating no new information is available that would allow the case to remain open. (C) When the recipient of services is a custodial party and a local child support agency has a child support collection that needs to be distributed to that custodial party, the local child support agency shall attempt to locate the custodial party for six months, pursuant to Section 113100(g), before the case qualifies for closure under this criterion. (D) A Medically Needy Only recipient's case shall not be closed under this closure criterion. A local child support agency shall contact the county welfare department for assistance in locating the recipient of services.

(12) A non-Title IV-A recipient of services, except a Medically Needy Only recipient, is uncooperative and an action by the recipient of services is essential for the next step in providing Title IV-D services. A local child support agency shall explain the incident of the noncooperation to the recipient of services in writing and warn the recipient of services that further noncooperation may result in case closure and shall document circumstances of noncooperation in the case record. Noncooperation shall include any action or inaction by the recipient of services which is essential for the next step in providing Title IV-D services such as: (A) Continuing to accept direct child support payments. (B) Failing to attend hearings. (C) Refusing to sign forms. (D) Refusing to report private attorney

actions. (13) A recipient of services has moved to another county or state and both, subparagraphs (A) and (B) apply: (A) The recipient of services applied for services in the other county or state. (B) The local child support agency documents in the case record that contact was made with the other county or state to confirm that the recipient of services has applied for services in the other county or state; and, in the case of an inter-county transfer, to confirm that the case, with its support order and arrears, has been transferred. (C) Notwithstanding subparagraphs (A) and (B), above, if there are assigned arrears, a case shall not be closed under this closure criterion until one of the following occurs: 1. The assigned arrears are collected. 2. The case is closed under another closure criterion. 3. Responsibility for collecting the assigned arrears is transferred to another county or state. (14) A local child support agency documents failure by an initiating state in an intergovernmental case to take an action which is essential for the next step in providing Title IV-D services. (A) If California is the responding state and a local child support agency needs additional information to process an intergovernmental case, that local child support agency shall send to the initiating state a notice requesting the initiating state to provide the information within 30 days, or provide a response within 30 days as to when the information shall be provided. 1. If the information or notice of when information will be provided is not received by the local child support agency after 30 days from mailing the request specified in subparagraph (A) above, the local child support agency shall notify the initiating state that the case will be closed in 60 days. 2. The local child support agency shall also send a copy of the closure notification to the initiating state's central registry with a notation requesting any assistance the central registry can provide the initiating state's Title IV-D agency in obtaining information necessary to keep the case open. (B) When the initiating

state requests case closure and does not provide the case closure criterion, or provides a case closure criterion that is inconsistent with subparagraphs (1) through (13) and (15), the local child support agency shall send the initiating state a written notice of intent to close the case in 60 days, unless the initiating state provides a case closure criterion that is consistent with subparagraphs (1) through (13) and (15). (C) The case shall be closed after 60 days have elapsed from the date of mailing the closure notice specified in subparagraph (A)1. and (B) above, if the initiating state does not provide the information needed to process the intergovernmental case or a response stating when the information will be provided. (15) A Title IV-D case is erroneously opened, and both of the following apply: (A) No Title IV-D services can be appropriately provided for the case. (B) There is clear and complete documentation in the case file explaining why the case was erroneously opened and why no Title IV-D services can be provided.

(1)

There is no longer a current support order and no arrearage payments were made in the preceding twelve consecutive months, and assigned and unassigned arrears total less than \$500 or arrears are unenforceable under state law. Situations to which this criterion apply include, but are not limited to, the following: (A) Reconciliation of the family. (B) The death of a child for whom support is owed. (C) Paternity is established and is the only Title IV-D service needed because both parents in a Title IV-A grant are living together. (D) A child for whom support is sought dies before paternity can be established. (E) Cases with medical support orders with specific dollar amounts and arrears which accrue under such orders. (F) Emancipation of the youngest child.

(A)

Reconciliation of the family.

(B)

The death of a child for whom support is owed.

(C)

Paternity is established and is the only Title IV-D service needed because both parents in a Title IV-A grant are living together.

(D)

A child for whom support is sought dies before paternity can be established.

(E)

Cases with medical support orders with specific dollar amounts and arrears which accrue under such orders.

(F)

Emancipation of the youngest child.

(2)

The noncustodial parent or alleged father is deceased and no further action can be taken, including a levy against the estate. The local child support agency shall: (A) Verify the death of the noncustodial parent or alleged father. (B) Document that attempts to identify assets in the estate that could be levied against were unsuccessful. The closure notice required by subsection (b) below, shall include information about possible Social Security Administration death benefits pursuant to subsection (b)(3)(C).

(A)

Verify the death of the noncustodial parent or alleged father.

(B)

Document that attempts to identify assets in the estate that could be levied against were unsuccessful. The closure notice required by subsection (b) below, shall include information about possible Social Security Administration death benefits pursuant to subsection (b)(3)(C).

(3)

Paternity cannot be established because of one of the following: (A) The youngest child requiring paternity establishment has reached 18 years of age and there is no pending judicial action to establish the child's paternity. (B) A genetic test, or court, or administrative process has excluded the alleged father and the custodial party has attested under penalty of perjury that he or she does not know the identity of other individuals who could be the father. (C) A local child support agency, in conjunction with the county welfare department, determines that the child's best interest will not be served by establishing paternity in a case involving incest or forcible rape, or a case where legal proceedings for adoption are pending. (D) Either the first or the last name of the biological father is unknown and cannot be identified after diligent efforts, including at least one face-to-face interview by the local child support agency with the custodial party. For the purpose of this subparagraph "diligent efforts" means acting on leads the custodial party may provide that could help identify and locate the biological father, such as a last known address or employer. The interview required in this subparagraph may be conducted by telephone when the custodial party would have to travel at least 60 miles, or take time from work to be interviewed face-to-face, or is disabled, or lacks transportation. (E) The child was conceived as the result of artificial insemination of a woman other than the donor's wife, and the husband of the woman, if any, did not consent to the insemination.

(A)

The youngest child requiring paternity establishment has reached 18 years of age and there is no pending judicial action to establish the child's paternity.

(B)

A genetic test, or court, or administrative process has excluded the alleged father and the custodial party has attested under penalty of perjury that he or she does not know the

identity of other individuals who could be the father.

(C)

A local child support agency, in conjunction with the county welfare department, determines that the child's best interest will not be served by establishing paternity in a case involving incest or forcible rape, or a case where legal proceedings for adoption are pending.

(D)

Either the first or the last name of the biological father is unknown and cannot be identified after diligent efforts, including at least one face-to-face interview by the local child support agency with the custodial party. For the purpose of this subparagraph "diligent efforts" means acting on leads the custodial party may provide that could help identify and locate the biological father, such as a last known address or employer. The interview required in this subparagraph may be conducted by telephone when the custodial party would have to travel at least 60 miles, or take time from work to be interviewed face-to-face, or is disabled, or lacks transportation.

(E)

The child was conceived as the result of artificial insemination of a woman other than the donor's wife, and the husband of the woman, if any, did not consent to the insemination.

(4)

The noncustodial parent's or alleged father's residence, employment address, earnings and assets are unknown, and the local child support agency has made diligent but unsuccessful quarterly attempts using all locate sources, pursuant to Section 113100, to locate the noncustodial parent or alleged father and his/her earnings or assets. Such efforts shall be made over a three-year period when there is sufficient information to initiate an automated locate effort, or over a one-year period when there is insufficient information to initiate an automated locate effort. (A) For the purpose of this subparagraph, "sufficient information" means the first and last name and date of

birth, and/or Social Security Number of the noncustodial parent or alleged father. (B) For the purpose of this subparagraph, "diligent" means a local child support agency has done both of the following: 1. For the one-year period, contacted the custodial party at least once to ask for information which might serve to further identify and locate the noncustodial parent or alleged father. 2. Made every reasonable effort to obtain the missing or incomplete Social Security Number of the noncustodial parent or alleged father using all appropriate sources including, but not limited to, the California Parent Locator Service, the Department of Motor Vehicles, the Social Security Administration, and the Federal Parent Locator Service.

(A)

For the purpose of this subparagraph, "sufficient information" means the first and last name and date of birth, and/or Social Security Number of the noncustodial parent or alleged father.

(B)

For the purpose of this subparagraph, "diligent" means a local child support agency has done both of the following: 1. For the one-year period, contacted the custodial party at least once to ask for information which might serve to further identify and locate the noncustodial parent or alleged father. 2. Made every reasonable effort to obtain the missing or incomplete Social Security Number of the noncustodial parent or alleged father using all appropriate sources including, but not limited to, the California Parent Locator Service, the Department of Motor Vehicles, the Social Security Administration, and the Federal Parent Locator Service.

1.

For the one-year period, contacted the custodial party at least once to ask for information which might serve to further identify and locate the noncustodial parent or alleged father.

2.

Made every reasonable effort to obtain the missing or incomplete Social Security Number of the noncustodial parent or alleged father using all appropriate sources including, but not limited to, the California Parent Locator Service, the Department of Motor Vehicles, the Social Security Administration, and the Federal Parent Locator Service.

(5)

The local child support agency determines that the noncustodial parent has no earnings or assets which could be levied or attached for support and the noncustodial parent cannot pay support for the duration of the child's minority for any of the following reasons: (A) The noncustodial parent is institutionalized in a psychiatric facility. (B) The noncustodial parent is incarcerated with no chance of parole. (C) The noncustodial parent has a medically verified total and permanent disability with no evidence of support potential. (D) The noncustodial parent receives SSI/SSP and has no other attachable income or assets.

(A)

The noncustodial parent is institutionalized in a psychiatric facility.

(B)

The noncustodial parent is incarcerated with no chance of parole.

(C)

The noncustodial parent has a medically verified total and permanent disability with no evidence of support potential.

(D)

The noncustodial parent receives SSI/SSP and has no other attachable income or assets.

(6)

The noncustodial parent lives in a foreign country. (A) The noncustodial parent resides in a country other than Mexico and all of the following apply: 1. The noncustodial parent is a citizen of that country. 2. The noncustodial parent does not work for the

United States government or a company which has its headquarters or offices in the United States. 3. The noncustodial parent has no reachable domestic earnings or assets. 4. California does not have reciprocity with the country. (B) The noncustodial parent resides in Mexico and in addition to the criteria specified in (A) 1. through 3. above, the case is a California-initiated request for reciprocal child support services with Mexico, and at least one of the following apply: 1. Paternity is at issue and either California does not have the basis to establish paternity using the jurisdiction, specified in Section 5700.201, Family Code, or use of such jurisdiction to establish paternity is appropriate and has been attempted but the local child support agency is unable to establish paternity. 2. The noncustodial parent's location is not known. 3. The noncustodial parent is not known to be working, or the local child support agency is unable to determine the noncustodial parent's employer. 4. The local child support agency cannot be provided with a photograph of the noncustodial parent. 5. The only issue in the case is retroactive support for past public assistance paid.

(A)

The noncustodial parent resides in a country other than Mexico and all of the following apply:

1. The noncustodial parent is a citizen of that country.
2. The noncustodial parent does not work for the United States government or a company which has its headquarters or offices in the United States.
3. The noncustodial parent has no reachable domestic earnings or assets.
4. California does not have reciprocity with the country.

1.

The noncustodial parent is a citizen of that country.

2.

The noncustodial parent does not work for the United States government or a company which has its headquarters or offices in the United States.

3.

The noncustodial parent has no reachable domestic earnings or assets.

4.

California does not have reciprocity with the country.

(B)

The noncustodial parent resides in Mexico and in addition to the criteria specified in (A)1. through 3. above, the case is a California-initiated request for reciprocal child support services with Mexico, and at least one of the following apply: 1. Paternity is at issue and either California does not have the basis to establish paternity using the jurisdiction, specified in Section 5700.201, Family Code, or use of such jurisdiction to establish paternity is appropriate and has been attempted but the local child support agency is unable to establish paternity. 2. The noncustodial parent's location is not known. 3. The noncustodial parent is not known to be working, or the local child support agency is unable to determine the noncustodial parent's employer. 4. The local child support agency cannot be provided with a photograph of the noncustodial parent. 5. The only issue in the case is retroactive support for past public assistance paid.

1.

Paternity is at issue and either California does not have the basis to establish paternity using the jurisdiction, specified in Section 5700.201, Family Code, or use of such jurisdiction to establish paternity is appropriate and has been attempted but the local child support agency is unable to establish paternity.

2.

The noncustodial parent's location is not known.

3.

The noncustodial parent is not known to be working, or the local child support agency is unable to determine the noncustodial parent's employer.

4.

The local child support agency cannot be provided with a photograph of the noncustodial parent.

5.

The only issue in the case is retroactive support for past public assistance paid.

(7)

A local child support agency has provided non-Title IV-D location-only services, pursuant to Section 113200, as requested by the custodial party, legal guardian, attorney, or agent, of a child who is not receiving public assistance, whether or not such services were successful.

(8)

A recipient of services who is currently not receiving public assistance under Title IV-A, requests closure of a case and there is no assignment for medical support and no assigned arrears.

(9)

The court determines it would be inappropriate to establish a child support order for a case in which retroactive child support for past assistance paid is the only issue.

(10)

There has been a finding of good cause, as specified in Section 11477.04, or Section 14008.6, Welfare and Institutions Code, or other exceptions to cooperation with the local child support agency, and the State or county welfare department has determined that support enforcement may not proceed without risk of harm to the child or caretaker.

(11)

Except as specified in subparagraph (C), a local child support agency is unable to contact a non-Title IV-A recipient of services over a 60-day period after having made at least one attempt to contact the recipient of services by telephone, sending a letter by first-class mail to the last known address of the recipient of services, and after using

the Department of Motor Vehicles and other locate sources to locate the recipient of services. (A) The 60-day period shall commence with the date that the contact letter is mailed to the last known address of the recipient of services. (B) A local child support agency shall not mail the case closure letter required by subsection (b), below, until 60 days have elapsed from the date the contact letter was mailed to the recipient of services; and until all responses from queried locate sources have been received indicating no new information is available that would allow the case to remain open. (C) When the recipient of services is a custodial party and a local child support agency has a child support collection that needs to be distributed to that custodial party, the local child support agency shall attempt to locate the custodial party for six months, pursuant to Section 113100(g), before the case qualifies for closure under this criterion. (D) A Medically Needy Only recipient's case shall not be closed under this closure criterion. A local child support agency shall contact the county welfare department for assistance in locating the recipient of services.

(A)

The 60-day period shall commence with the date that the contact letter is mailed to the last known address of the recipient of services.

(B)

A local child support agency shall not mail the case closure letter required by subsection (b), below, until 60 days have elapsed from the date the contact letter was mailed to the recipient of services; and until all responses from queried locate sources have been received indicating no new information is available that would allow the case to remain open.

(C)

When the recipient of services is a custodial party and a local child support agency has a child support collection that needs to be distributed to that custodial party, the local child support agency shall attempt to locate the custodial party for six months, pursuant to

Section 113100(g), before the case qualifies for closure under this criterion.

(D)

A Medically Needy Only recipient's case shall not be closed under this closure criterion. A local child support agency shall contact the county welfare department for assistance in locating the recipient of services.

(12)

A non-Title IV-A recipient of services, except a Medically Needy Only recipient, is uncooperative and an action by the recipient of services is essential for the next step in providing Title IV-D services. A local child support agency shall explain the incident of the noncooperation to the recipient of services in writing and warn the recipient of services that further noncooperation may result in case closure and shall document circumstances of noncooperation in the case record. Noncooperation shall include any action or inaction by the recipient of services which is essential for the next step in providing Title IV-D services such as: (A) Continuing to accept direct child support payments. (B) Failing to attend hearings. (C) Refusing to sign forms. (D) Refusing to report private attorney actions.

(A)

Continuing to accept direct child support payments.

(B)

Failing to attend hearings.

(C)

Refusing to sign forms.

(D)

Refusing to report private attorney actions.

(13)

A recipient of services has moved to another county or state and both, subparagraphs

(A) and (B) apply: (A) The recipient of services applied for services in the other county or state. (B) The local child support agency documents in the case record that contact was made with the other county or state to confirm that the recipient of services has applied for services in the other county or state; and, in the case of an inter-county transfer, to confirm that the case, with its support order and arrears, has been transferred. (C) Notwithstanding subparagraphs (A) and (B), above, if there are assigned arrears, a case shall not be closed under this closure criterion until one of the following occurs: 1. The assigned arrears are collected. 2. The case is closed under another closure criterion. 3. Responsibility for collecting the assigned arrears is transferred to another county or state.

(A)

The recipient of services applied for services in the other county or state.

(B)

The local child support agency documents in the case record that contact was made with the other county or state to confirm that the recipient of services has applied for services in the other county or state; and, in the case of an inter-county transfer, to confirm that the case, with its support order and arrears, has been transferred.

(C)

Notwithstanding subparagraphs (A) and (B), above, if there are assigned arrears, a case shall not be closed under this closure criterion until one of the following occurs: 1. The assigned arrears are collected. 2. The case is closed under another closure criterion. 3.

Responsibility for collecting the assigned arrears is transferred to another county or state.

1.

The assigned arrears are collected.

2.

The case is closed under another closure criterion.

3.

Responsibility for collecting the assigned arrears is transferred to another county or state.

(14)

A local child support agency documents failure by an initiating state in an intergovernmental case to take an action which is essential for the next step in providing Title IV-D services. (A) If California is the responding state and a local child support agency needs additional information to process an intergovernmental case, that local child support agency shall send to the initiating state a notice requesting the initiating state to provide the information within 30 days, or provide a response within 30 days as to when the information shall be provided.¹ If the information or notice of when information will be provided is not received by the local child support agency after 30 days from mailing the request specified in subparagraph (A) above, the local child support agency shall notify the initiating state that the case will be closed in 60 days. 2. The local child support agency shall also send a copy of the closure notification to the initiating state's central registry with a notation requesting any assistance the central registry can provide the initiating state's Title IV-D agency in obtaining information necessary to keep the case open. (B) When the initiating state requests case closure and does not provide the case closure criterion, or provides a case closure criterion that is inconsistent with subparagraphs (1) through (13) and (15), the local child support agency shall send the initiating state a written notice of intent to close the case in 60 days, unless the initiating state provides a case closure criterion that is consistent with subparagraphs (1) through (13) and (15). (C) The case shall be closed after 60 days have elapsed from the date of mailing the closure notice specified in subparagraph (A)¹. and (B) above, if the initiating state does not provide the information needed to process the intergovernmental case or a response stating when the information will be provided.

(A)

If California is the responding state and a local child support agency needs additional information to process an intergovernmental case, that local child support agency shall send to the initiating state a notice requesting the initiating state to provide the information within 30 days, or provide a response within 30 days as to when the information shall be provided. 1. If the information or notice of when information will be provided is not received by the local child support agency after 30 days from mailing the request specified in subparagraph (A) above, the local child support agency shall notify the initiating state that the case will be closed in 60 days. 2. The local child support agency shall also send a copy of the closure notification to the initiating state's central registry with a notation requesting any assistance the central registry can provide the initiating state's Title IV-D agency in obtaining information necessary to keep the case open.

1.

If the information or notice of when information will be provided is not received by the local child support agency after 30 days from mailing the request specified in subparagraph (A) above, the local child support agency shall notify the initiating state that the case will be closed in 60 days.

2.

The local child support agency shall also send a copy of the closure notification to the initiating state's central registry with a notation requesting any assistance the central registry can provide the initiating state's Title IV-D agency in obtaining information necessary to keep the case open.

(B)

When the initiating state requests case closure and does not provide the case closure criterion, or provides a case closure criterion that is inconsistent with subparagraphs (1) through (13) and (15), the local child support agency shall send the initiating state a written notice of intent to close the case in 60 days, unless the initiating state provides a case closure criterion that is consistent with subparagraphs (1) through (13) and (15).

(C)

The case shall be closed after 60 days have elapsed from the date of mailing the closure notice specified in subparagraph (A)1. and (B) above, if the initiating state does not provide the information needed to process the intergovernmental case or a response stating when the information will be provided.

(15)

A Title IV-D case is erroneously opened, and both of the following apply: (A) No Title IV-D services can be appropriately provided for the case. (B) There is clear and complete documentation in the case file explaining why the case was erroneously opened and why no Title IV-D services can be provided.

(A)

No Title IV-D services can be appropriately provided for the case.

(B)

There is clear and complete documentation in the case file explaining why the case was erroneously opened and why no Title IV-D services can be provided.

(b)

A local child support agency shall notify the recipient of services in writing when closing a case pursuant to subsections (a)(1) through (6) and (11) through (14), above, of the local child support agency's intent to close the case. (1) Written notice shall not be provided for cases closed pursuant to subsections (a)(7), (8), (9), (10) or (15), above. (2) Written notice of case closure shall be mailed to the last known address of a recipient of services 60 days prior to closing a case. When the only address for a recipient of services is a Title IV-A agency, a local child support agency shall send the closure notice to that Title IV-A agency's address. (3) A notice of intent to close the case shall, at a minimum, include the following information: (A) The reason the case is being closed. (B) The circumstances

under which the case will be reopened, such as receipt of new information regarding the location of the noncustodial parent's or alleged father's residence or earnings or assets, as specified in subsection (c), below. (C) Whom to contact to apply for possible Social Security death benefits for cases closed for the reasons specified in subsection (a)(2), above. (4) When a case qualifies for closure pursuant to subsection (a)(1) because the parents have reconciled and the reconciliation makes the family ineligible for public assistance, and there are no arrears assigned to the state that are eligible for enforcement, a local child support agency shall mail a case closure notice to both the custodial party and noncustodial parent. The notice shall state both of the following: (A) The case is being closed because the family has reconciled. (B) Title IV-D service shall be terminated. (5) A case shall remain open if: (A) A recipient of services responds to a closure notice with information that could lead to the establishment of paternity or a support order or enforcement of an order; or (B) Contact is re-established with a recipient of services within the timeframes specified in subsection (a)(11).

(1)

Written notice shall not be provided for cases closed pursuant to subsections (a)(7), (8), (9), (10) or (15), above.

(2)

Written notice of case closure shall be mailed to the last known address of a recipient of services 60 days prior to closing a case. When the only address for a recipient of services is a Title IV-A agency, a local child support agency shall send the closure notice to that Title IV-A agency's address.

(3)

A notice of intent to close the case shall, at a minimum, include the following

information: (A) The reason the case is being closed. (B) The circumstances under which the case will be reopened, such as receipt of new information regarding the location of the noncustodial parent's or alleged father's residence or earnings or assets, as specified in subsection (c), below. (C) Whom to contact to apply for possible Social Security death benefits for cases closed for the reasons specified in subsection (a)(2), above.

(A)

The reason the case is being closed.

(B)

The circumstances under which the case will be reopened, such as receipt of new information regarding the location of the noncustodial parent's or alleged father's residence or earnings or assets, as specified in subsection (c), below.

(C)

Whom to contact to apply for possible Social Security death benefits for cases closed for the reasons specified in subsection (a)(2), above.

(4)

When a case qualifies for closure pursuant to subsection (a)(1) because the parents have reconciled and the reconciliation makes the family ineligible for public assistance, and there are no arrears assigned to the state that are eligible for enforcement, a local child support agency shall mail a case closure notice to both the custodial party and noncustodial parent. The notice shall state both of the following: (A) The case is being closed because the family has reconciled. (B) Title IV-D service shall be terminated.

(A)

The case is being closed because the family has reconciled.

(B)

Title IV-D service shall be terminated.

(5)

A case shall remain open if: (A) A recipient of services responds to a closure notice with information that could lead to the establishment of paternity or a support order or enforcement of an order; or (B) Contact is re-established with a recipient of services within the timeframes specified in subsection (a)(11).

(A)

A recipient of services responds to a closure notice with information that could lead to the establishment of paternity or a support order or enforcement of an order; or

(B)

Contact is re-established with a recipient of services within the timeframes specified in subsection (a)(11).

(c)

The local child support agency shall reopen a case that has been closed when a non-Title IV-A former recipient of services requests that the case be reopened and can provide information that could lead to the establishment of paternity or a support order or enforcement of an order. When a non-Title IV-A former recipient of services requests resumption of Title IV-D services, the recipient of services shall complete a new application package.

(d)

Closed Title IV-D case records shall be retained for a minimum of four years and four months from the date of closure, unless otherwise specified, and summary criminal history information shall be disposed of, in accordance with record disposal requirements specified in Section 111460.

(e)

When a local child support agency closes a case, it shall evaluate the case to determine whether it is appropriate to release, remove, rescind, or terminate

establishment and enforcement actions initiated against the obligor. (1) A local child support agency shall release, remove, rescind, or terminate all establishment and enforcement actions when an obligor never had or no longer has a current child support or a medical support obligation, and no arrearage exists. (2) For purposes of subparagraph (1) above, release, removal, rescission, or termination of establishment and enforcement actions includes, but is not limited to, the following: (A) Dismissal of Summons and Complaints without prejudice. A Summons and Complaint may be dismissed only when a judgment for support has not been entered; or, when a judgment for support has been entered and the court has entered an order to set aside or vacate the judgment. (B) Termination of income withholding orders and National Medical Support Notices. When the criteria set forth in subparagraph (1) above, are satisfied, such orders shall be terminated under any of the following circumstances, unless the court order specifies alternative termination provisions: 1. The child reaches the age of 18, or, if the child continues to be a full-time high school student, is unmarried, and is not self-supporting, then at the time the child completes the 12th grade or reaches the age of 19, whichever occurs first. 2. The child for whom child support is ordered has legally emancipated. 3. The child for whom child support is ordered has died. (C) Removal of an obligor's name and social security number from all State and federal intercepts. (D) Release of personal and real property liens. (3) If a local child support agency closes a case when the obligor continues to have a current child support or medical support obligation or unassigned arrears exist pursuant to subparagraph (8) of subsection (a), the local child support agency shall release, remove, rescind, or terminate establishment or enforcement actions as appropriate. For purposes of this subparagraph, release, removal, rescission, or termination of establishment and enforcement actions includes, but is not limited

to, the following: (A) Removal of obligor's name and Social Security Number from all State and federal intercepts. (B) Substitution of payee on income withholding and medical support order. The local child support agency shall substitute the obligee as the payee on any income withholding and medical support orders. (C) Substitution of payee on real property lien. The local child support agency shall file and record a substitution of payee in each county in which a judgment or abstract of judgment has previously been recorded. (D) Substitution of payee on notice of child support lien or lien against personal property lien. The local child support agency shall file a substitution of payee with the Secretary of State for any notice of child support lien previously filed pursuant to Section 17523, Family Code. (4) When a recipient of services has a family violence indicator, a local child support agency shall obtain from a recipient of services a substitute address, when necessary for releasing, removing, rescinding, or terminating establishment and enforcement actions and shall not disclose the whereabouts of the recipient of services and the affected child(ren) unless ordered to do so by a court of competent jurisdiction after proper notice and hearing.

(1)

A local child support agency shall release, remove, rescind, or terminate all establishment and enforcement actions when an obligor never had or no longer has a current child support or a medical support obligation, and no arrearage exists.

(2)

For purposes of subparagraph (1) above, release, removal, rescission, or termination of establishment and enforcement actions includes, but is not limited to, the following:

(A) Dismissal of Summons and Complaints without prejudice. A Summons and Complaint may be dismissed only when a judgment for support has not been entered; or, when a judgment for support has been entered and the court has entered an order

to set aside or vacate the judgment. (B) Termination of income withholding orders and National Medical Support Notices. When the criteria set forth in subparagraph (1) above, are satisfied, such orders shall be terminated under any of the following circumstances, unless the court order specifies alternative termination provisions: 1. The child reaches the age of 18, or, if the child continues to be a full-time high school student, is unmarried, and is not self-supporting, then at the time the child completes the 12th grade or reaches the age of 19, whichever occurs first. 2. The child for whom child support is ordered has legally emancipated. 3. The child for whom child support is ordered has died. (C) Removal of an obligor's name and social security number from all State and federal intercepts. (D) Release of personal and real property liens.

(A)

Dismissal of Summons and Complaints without prejudice. A Summons and Complaint may be dismissed only when a judgment for support has not been entered; or, when a judgment for support has been entered and the court has entered an order to set aside or vacate the judgment.

(B)

Termination of income withholding orders and National Medical Support Notices. When the criteria set forth in subparagraph (1) above, are satisfied, such orders shall be terminated under any of the following circumstances, unless the court order specifies alternative termination provisions: 1. The child reaches the age of 18, or, if the child continues to be a full-time high school student, is unmarried, and is not self-supporting, then at the time the child completes the 12th grade or reaches the age of 19, whichever occurs first. 2. The child for whom child support is ordered has legally emancipated. 3. The child for whom child support is ordered has died.

1.

The child reaches the age of 18, or, if the child continues to be a full-time high school student, is

unmarried, and is not self-supporting, then at the time the child completes the 12th grade or reaches the age of 19, whichever occurs first.

2.

The child for whom child support is ordered has legally emancipated.

3.

The child for whom child support is ordered has died.

(C)

Removal of an obligor's name and social security number from all State and federal intercepts.

(D)

Release of personal and real property liens.

(3)

If a local child support agency closes a case when the obligor continues to have a current child support or medical support obligation or unassigned arrears exist pursuant to subparagraph (8) of subsection (a), the local child support agency shall release, remove, rescind, or terminate establishment or enforcement actions as appropriate. For purposes of this subparagraph, release, removal, rescission, or termination of establishment and enforcement actions includes, but is not limited to, the following: (A) Removal of obligor's name and Social Security Number from all State and federal intercepts. (B) Substitution of payee on income withholding and medical support order. The local child support agency shall substitute the obligee as the payee on any income withholding and medical support orders. (C) Substitution of payee on real property lien. The local child support agency shall file and record a substitution of payee in each county in which a judgment or abstract of judgment has previously been recorded. (D) Substitution of payee on notice of child support lien or lien against personal property lien. The local child support agency shall file a substitution of payee

with the Secretary of State for any notice of child support lien previously filed pursuant to Section 17523, Family Code.

(A)

Removal of obligor's name and Social Security Number from all State and federal intercepts.

(B)

Substitution of payee on income withholding and medical support order. The local child support agency shall substitute the obligee as the payee on any income withholding and medical support orders.

(C)

Substitution of payee on real property lien. The local child support agency shall file and record a substitution of payee in each county in which a judgment or abstract of judgment has previously been recorded.

(D)

Substitution of payee on notice of child support lien or lien against personal property lien. The local child support agency shall file a substitution of payee with the Secretary of State for any notice of child support lien previously filed pursuant to Section 17523, Family Code.

(4)

When a recipient of services has a family violence indicator, a local child support agency shall obtain from a recipient of services a substitute address, when necessary for releasing, removing, rescinding, or terminating establishment and enforcement actions and shall not disclose the whereabouts of the recipient of services and the affected child(ren) unless ordered to do so by a court of competent jurisdiction after proper notice and hearing.