STATE OF CALIFORNIA - HEALTH AND WELFARE AGENCY

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814
(916) 322-5330

June 26, 1984

"FSD LETTER NO. 84-09 (Information)"

ALL-COUNTY LETTER NO. 84-65

TO: ALL COUNTY WELFARE DIRECTORS
ALL DISTRICT ATTORNEYS
ALL FAMILY SUPPORT DIVISIONS

SUBJECT: CHILD SUPPORT COLLECTIONS IN AFDC AND TREATMENT OF CHILD SUPPORT THAT STOPS DURING THE FIRST TWO MONTHS OF APPLICATION

REFERENCE: EAS 43-107.12, 43-107.26, 43-107.47, 43-201.32, 44-313.1 through .3

The purpose of this notice is to stress the importance of county welfare department action to: 1) clearly inform applicants and recipients that they are required to turn over to the county any spousal and child support payments received (EAS 43-107.26); 2) explain to applicants and recipients the consequences of not turning over support payments; and 3) correctly budget the retained support payments. The consequences of not turning over support payments, as discussed below, result in financial hardship to AFDC recipients which can be avoided through strict compliance with the provisions of EAS 43-107.26.

Cooperation Required

Regulations provide that "each applicant for or recipient of AFDC shall be required to sign and date an agreement (Form CA 2.1, Child Support Notice and Agreement) either to cooperate with the county welfare department and the district attorney in establishing paternity and securing support, or establish good cause for refusal to cooperate" (EAS 43-107.12). By signing the CA 2.1, the applicant or recipient acknowledges that he or she is aware of the cooperation requirements specified on the form, including the requirement to turn over to the county any money given directly to them by the absent parent(s). The state will soon be initiating action to revise the CA 2.1 to emphasize the importance of this requirement due to the effects upon the applicant or recipient and the children in the assistance unit when support payments are not turned over to the county.

Sanction for Refusal to Cooperate

If the applicant or recipient has failed or refused without good cause to cooperate with the county in the manner required, he or she is ineligible for aid. In this situation, aid payments for the eligible children shall be made in the form of protective payments (EAS 43-107.47). However, the children's aid will be reduced because the retained support payments will be budgeted as income to the children.

If failure to turn over support payments is the only reason for ineligibility, eligibility shall be restored at such time as the sanctioned applicant or recipient begins turning over to the county any support money given directly to him/her by the absent parent(s), when the absent parent(s) starts making support payments to the county instead of to the family, or when the individual certifies that he/she is no longer receiving support payments from the absent parent(s).

Treatment of Support Payments Received by Applicants and Recipients

Any support payment received by the applicant prior to application but during the month of application is used to compute the budget for the month of application if aid is granted for that month.

Retained Payments

Following the beginning date of aid, support payments received and retained by the recipient will be treated as follows:

- In the first two months of aid, the retained support payments are considered income for both the determination of eligibility and the grant computation for the month of receipt (EAS 43-201.32 and 44-313.1).

- In the third and subsequent months, if the recipient retains the support payments, the payments are:

  1. Considered income for determining eligibility in the month of receipt (EAS 43-201.32).

     [for example, if the third month is May and the recipient retains his/her support payment, it would be used to determine May eligibility], and;

  2. Used in the grant computation in the budget month (44-313.2).

     [In the above example, May's support payment would be budgeted to July's grant.]

In addition, if the recipient has retained his/her support payments since aid began, those retained in the third and fourth months are considered income of a continuous nature (EAS 44-313.2).

[Using the above example, support payments received and retained in March, April, May and June would require the March and April payments to be budgeted to May and June respectively.]

Payments Turned Over to the County

Following the beginning date of aid, support payments received and turned over by the recipient, will be treated as follows:

- In the first two months of aid, support payments which are turned over are not considered in the grant computation (EAS 43-201.3).

- In the third and/or fourth months of aid, support payments which are turned over are not budgeted to the fifth and/or sixth months. Turning over the payments also causes any retained support payments in the first two months to be considered as income of a noncontinuous nature (EAS 44-313.3).

Support payments retained by the family can create a problem when the absent parent begins making support payments to the county instead of to the family. The family's aid, under retrospective budgeting, continues to be reduced in each of the two months following the loss of the income. This effect on the family can be avoided by strict enforcement of the child support cooperation requirements. We urge you to administer these requirements with this in mind.

If you have any questions regarding this letter, please contact the AFDC Policy Implementation Bureau at (916) 322-5330 or Child Support Management Bureau at (916) 322-8495.

Kyle S. McKinsey

KYLE S. McKINSEY
Deputy Director

cc: CWDA

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