

DEPARTMENT OF BENEFIT PAYMENTS

744 P Street, Sacramento CA 95814

February 11, 1975



ALL-COUNTY LETTER NO. 75-37

TO: ALL COUNTY WELFARE DIRECTORS
ALL DISTRICT ATTORNEYS

SUBJECT:

REFERENCE: Social Services Amendments of 1974 (P.L. 93-647)

In December, 1974 the Congress enacted Public Law 93-647, the "Social Services Amendments of 1974," which adds several significant provisions relating to child support to the Social Security Act.

This legislation leaves basic responsibility for child support and establishment of paternity with state and local agencies, but provides for a more active role on the part of the federal government in monitoring and evaluating the various programs. There are provisions for fiscal sanctions to be taken against agencies whose child support activities do not conform to federal standards.

Effective January 1, 1975, the wages of federal employees, including military personnel, will be subject to garnishment in support and alimony cases. In addition, annuities and other payments based on federal employment will be subject to attachment. This remedy is available whether or not the family is receiving welfare.

On July 1, 1975, the following provisions of this legislation will become effective:

- (1) A federal Parent Locator Service will be established within HEW and will provide information regarding the whereabouts of absent parents. This unit will have access to the files and records of other federal agencies in order to secure the necessary information, subject to national security restrictions.
- (2) The collection mechanisms of the Internal Revenue Service will be available to enforce support obligations when there is a showing that there has been non-compliance with a court order and that the state has exhausted its own

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collection remedies. The IRS will be entitled to reasonable reimbursement for its expenses.

- (3) A federal incentive program, similar to our Support Enforcement Incentive Fund, will be established. The agency which collects the support payment will be paid, out of the federal share, an amount equal to 25 percent of the amount collected. This 25 percent rate will continue for the first 12 months of support obligation owed. Subsequent collections will result in an incentive payment of 10 percent.
- (4) The U.S. District Courts will have jurisdiction to hear and determine civil actions brought to enforce child support orders when the courts or prosecuting attorneys of other states do not take action within a reasonable time. The originating state, under these circumstances, will be granted access to the federal courts to enforce the order. Jurisdiction will exist without regard to the amount in controversy. The action may be brought in any judicial district in which the claim arose, the plaintiff resides or the defendant resides.
- (5) During the 15-month period of July 1, 1975, to October 1, 1976: (1) the first \$20 collected each month in child support will be paid to the family without decreasing the amount of assistance; (2) collections in excess of \$20 will be retained by the state as a reimbursement for aid paid during the current period; (3) collections in excess of that amount, up to the family's support rights as specified in a court order, will be paid to the family; and (4) amounts collected in excess of the court order may be retained by the state as reimbursement for past aid granted, or forwarded on to the family. When any amounts are retained by the state, there must be appropriate reimbursement to the federal government to the extent of its participation.

Effective October 1, 1976, the provision allowing for the \$20 disregard will cease and monies collected will be handled as described in (2), (3) and (4) above.

As long as the family is receiving welfare, all support payments must be paid through a separate agency and not made directly to the family. When the family for whom support payments have been collected ceases to receive welfare, the agency may continue, for a period of three months, to collect support and deduct any costs incurred, and forward the balance to the family. At the end of the three-month period the agency may continue to collect only at the request of the custodial parent.

- (6) The applicant or recipient, as a condition of her own eligibility for welfare, must cooperate in identifying and locating the absent parent, in securing support payments, and in obtaining any money or property due the family. The

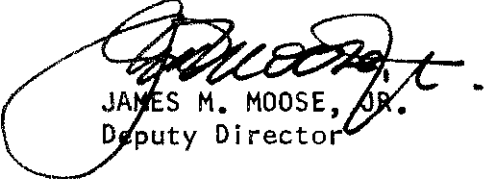
applicant must also provide her social security number and must assign her rights to support payments to the state. If the applicant becomes ineligible because of failure to cooperate, the child will still receive aid under a protective payment provision whereby the aid payments will be made to a person other than the custodial parent.

- (7) Welfare information now withheld from public officials under regulations concerning confidentiality will be made available for child support enforcement as well as for other official purposes. Courts, prosecuting attorneys, law enforcement officials and other public officers will have access to welfare information which may be required in obtaining support payments, or prosecuting fraud or other civil or criminal violations.

These amendments to the Social Security Act specifically provide that the procedures adopted for locating absent parents, establishing paternity and collecting child support will be available to all families, whether they are receiving welfare or not.

The provisions of this legislation will solve many of the problems which have hampered our efforts to effectively enforce support obligations, and will go a long way toward the establishment of more effective child support programs, both in California and nationally. We will keep you informed of plans to implement those elements of the federal legislation which will require legislative or regulatory action in California. At an appropriate time prior to July 1, 1975, we will seek modification of the court orders in the Doe and Taylor cases which will be affected by the cooperation requirements noted above.

Sincerely,



JAMES M. MOOSE, JR.
Deputy Director

cc: CWDA