

Cal Fam Code § 17504

Deering's California Codes are current through the 2023 Extra Session Ch 1, 2023 Regular Session Ch. 12.

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§ 17504. Amounts not considered income [Operative date contingent]

(a) The first one hundred dollars (\$100) of any amount of child support collected in a month for a family with one child, or the first two hundred dollars (\$200) for a family with two or more children, in payment of the required support obligation for that month shall be paid to a recipient of aid under Article 2 (commencing with Section 11250) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, except recipients of foster care payments under Article 5 (commencing with Section 11400) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, and shall not be considered income or resources of the recipient family, and shall not be deducted from the amount of aid to which the family would otherwise be eligible. The local child support agency in each county shall ensure that payments are made to recipients as required by this section.

(b) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the State Department of Social Services and the Department of Child Support Services may implement, interpret, or make specific this section by means of all-county letters or similar instructions from the department until regulations are adopted. These all-county letters or similar written instructions shall have the same force and effect as regulations until the adoption of regulations.

(c) This section shall become operative on January 1, 2022, or when the State Department of Social Services and the Department of Child Support Services notify the Legislature that the Statewide Automated Welfare System and Child Support Enforcement System can perform the necessary automation to implement this section, whichever date is later.

History

Added Stats 2020 ch 11 § 2 (AB 79), effective June 29, 2020, operative January 1, 2022.

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Cal Fam Code § 17504.2

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§ 17504.2. Passthrough payments of assigned support obligation to former recipient of aid [Operative date contingent]

(a)

(1) Any amount of support collected in a month in payment of an assigned support obligation shall be passed through to a former recipient of aid under Article 2 (commencing with Section 11250) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, except recipients of foster care payments under Article 5 (commencing with Section 11400) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code.

(2) The local child support agency in each county shall ensure that payments are made to former recipients of aid when required by this section.

(3) The Department of Child Support Services and the local child support agencies shall provide written or electronic informational materials, which shall be developed by the Department of Child Support Services in collaboration with the Department of Social Services, to child support case participants, who are former recipients of aid, to notify them of the potential impacts of passthrough collections pursuant to this section on eligibility for public benefit programs.

(b) Notwithstanding Section 17502 of the Family Code, any passthrough payments under this section that cannot be delivered to a former recipient of aid pursuant to paragraph (2) of subdivision (a) for a period of six months shall not be returned to the obligor and shall be sent to recoup aid paid on behalf of the recipient pursuant to Section 11477 of the Welfare and Institutions Code. If the former recipient of aid makes a claim for the passthrough payment within 12 months of the payment being sent to recoupment, the payment shall be removed from recoupment and sent to the former recipient of aid. The Department of Child Support Services shall monitor the number of claims made after payments are sent for recoupment. The department shall provide that information to the Legislature no later than April 1, 2025, or two years and three months after the operative date of this section as established by subdivision (e), whichever date is later.

(c) Nothing in this section shall be construed to discontinue assignments under Section 11477 of the Welfare and Institutions Code.

(d) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the State Department of Social Services and the Department of Child Support Services may implement, interpret, or make specific this section by means of all-county letters or similar instructions from the department until regulations are adopted. These all-county letters or similar written instructions shall have the same force and effect as regulations until the adoption of regulations.

(e) This section shall become operative on July 1, 2023, or on the date the department notifies the Legislature that the Child Support Enforcement System can perform the necessary automation to implement this section, and the Department of Child Support Services has developed and provided the written materials pursuant to subdivision (a), whichever date is later.

History

Added Stats 2022 ch 573 § 7 (AB 207), effective September 27, 2022, operative July 1, 2023, operative date contingent.

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Cal Fam Code § 17504.6

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Notice

 This section has more than one version with varying effective dates.

§ 17504.6. Report to legislative committees on impact of passthrough payments on eligibility determination for other need-based assistance programs [Repealed effective January 1, 2025]

(a) No later than May 1, 2023, the Department of Social Services, in collaboration with the Department of Child Support Services, shall submit a report to the human services and judicial policy and fiscal committees of each house of the Legislature providing an evaluation of the impact of Section 17504.2 on an individual or family's eligibility determination for other need-based assistance programs. The report shall evaluate, but is not limited to, the following:

- (1) Potential unintended impacts, both negative and positive, of this subdivision.
- (2) Potential solutions to address any identified unintended impacts, including whether an opt out is necessary in order to avoid negative impact to families.

(b) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

History

Added Stats 2022 ch 573 § 8 (AB 207), effective September 27, 2022, repealed January 1, 2025.

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