

**County of San Diego, Health and Human Services Agency (HHSA)
CalWORKs Program Guide**

Child Support Payments

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Revision Date:

February 1, 2022

Background:

In most cases CalWORKs customers are required to sign over child and spousal support rights to the County while receiving cash aid, which usually means that child support collected is used to repay the customer's cash aid. The customer will receive a pass-through, up to the maximum amount, per month in support, which will not count against the CalWORKs grant.

Purpose:

This section is being revised to update and reformat CalWORKs Program Guide (CPG) section 43-200.E. Child Support Payments to 43-200.D and to incorporate Assembly Bill (AB) 79 provisions. AB 79 increases the current child support pass-through and disregard from up to the first \$50 of the child support collected in a month to up to \$100 for a family with one child and up to \$200 for a family with two or more children living in the home.

Policy:

Definitions

- Child Support Pass-Through: The term "pass-through" refers to the assigned support collection (applied to either current support or arrearages) that the State elects to pay to the family rather than retain to reimburse assistance
- Child Support Disregard: The term "disregard" refers to the amount of pass-through that is disregarded when determining eligibility for and the amount of assistance

The total number of children in the Assistance Unit (AU) will be considered when determining the amount of pass-through the family is eligible for. Effective January 1, 2022, the amount of child support passed through to the customer will increase from the first \$50 collected to the first \$100 for a family with one child and the first \$200 for a family with two or more children. The amount passed through will also be disregarded when determining CalWORKs eligibility and grant amount.

Example One:

A parent with one child applies for cash aid and the county opens a child support case. A monthly child support order for \$500 is established. \$500 is collected from the obligor the Non-Custodial Parent or (NCP) the next month for child support. The first \$100 is passed through to the family, and this amount is also disregarded as income. The remaining \$400 will be used to repay aid paid through the CalWORKs program.

Example Two:

A parent with four children applies for cash aid and the county opens a child support case. A monthly child support order for \$600 is established. \$600 is collected from the NCP the following month. The first \$200 of child support collected is passed through to the family and this amount is also disregarded as income. The remaining \$400 will be used to repay aid paid through the CalWORKs program.

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A family with at least one child participating in the Senate Bill (SB) 380 Child Support in Lieu of CalWORKs Grant Option (CalWORKs Program Guide (CPG) 44-300.H, would qualify for the \$200 disregard because that AU would always have more than one child in the AU, as an SB 380 child must reside with an eligible child.

Example One:

Child One is aided. Child Two is eligible under SB 380. Child Two is still considered to be an AU member, so they are included in the number of children in the AU or "family." Since there are two total children in the AU, the number of children used to determine the child support disregard would be two children. Therefore, the Custodial Parent (CP) or caretaker relative receiving child support for Child One would receive up to a \$200 child support pass-through for each month child support was collected, and this amount would also be disregarded as income when determining eligibility and grant amount for the CalWORKs AU.

Example Two:

Child One is aided. Child Two is receiving Social Security Income (SSI) and therefore excluded from the AU, as well as from the determination of the amount of child support passed through to the family. This family would be eligible for up to \$100 of any child support collected on behalf of Child One and a full pass-through of any child support collected on behalf of Child Two. Any income, including child support for an SSI child is for the needs and maintenance of that child and not counted against the AU's grant.

State Disbursement Unit (SDU)

The SDU located in Sacramento is a central processing site responsible for collecting and distributing all child support payments statewide. The SDU is responsible for:

- Receiving child support payments statewide from NCPs
- Receiving child support payments forwarded from Local Child Support Agency (LCSA), when payments are hand-delivered to the LCSA
- Processing child support collections for distribution
- Disbursing child support payments to counties to repay cash aid
- Disbursing child support payment to CPs when applicable
- Disbursing disregard payments

All child support orders will be known to the SDU. If an NCP has multiple support obligations, child support collections may be split among multiple households and/or multiple counties.

Example:

Two CalWORKs aided children are in separate counties. The court order obligates the NCP to pay \$250 to each child. The NCP is paying only \$250 to the SDU for one child. The \$250 would be split between counties and each CP will receive a \$100 Child Support Disregard.

In rare situations when the child support disregard payment is split, the disregard payment could be less than \$100.

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Example:

Two CalWORKs aided children are in separate AUs. The court order obligates the NCP to pay \$200 to each child. The NCP pays \$100 to one child. This \$100 would be split between the households and each CP would receive a \$50 disregard payment.

Issuance of Payments

The SDU is responsible for sending child support payments each month to CalWORKs families. These payments include:

- **Child and Spousal Support Disregard**
Customers are entitled to receive up to the allowable disregard amount of their monthly collected child support, if it is paid in the month due. This payment is called a disregard. The disregard amount does not count against the CalWORKs grant. If no child support is collected in the month, a disregard payment will not be issued. The maximum disregard payment issued in one month is as follows (even when collected from two or more absent parents, or when arrearages and current child support are paid in the same month):
 - \$100 for a family with one child
 - \$200 for a family with two or more children
- **Pass-Through for Child Support in Lieu of Cash Aid**
Effective November 1, 2018, under SB 380, the customer may opt to receive the collected child support payments for a step/half-sibling of an eligible child in the AU in lieu of CalWORKs for the step/half-sibling (CPG 44-300.H). The full amount of child support allocated to the child is passed through to the customer and not retained by the State or County to repay cash aid. This child support does not count as income in the CalWORKs budget.
- **Pass-Through Child Support for K1 and 3F**
When a K1 and 3F case has a child support case open voluntarily, any child support collected on behalf of the aided children will be passed through to the AU, and not retained by the State or County to reimburse CalWORKs aid. The child support is counted as unearned income in the CalWORKs budget, except for the appropriate child support disregard amount.
- **Arrearages for Child Turning 18 Years of Age**
Any child support arrearages received on behalf of a child who has turned 18 years of age and who is being discontinued from the CalWORKs case due to age limits, are paid to the customer. Any arrearage payments received by the customer for the aged-out child are treated as unearned income for the CalWORKs budget. No disregard is allowed for these arrearages.
- **Excess**
The amount of child support remaining after current and prior aid is recouped and the disregard has been paid is considered excess payment and is sent to the customer. Excess payments are treated as unearned income for the CalWORKs budget.

Other Support Payments

Social Security or Railroad Retirement benefits of an absent parent, which are sent to the CP on behalf of the child(ren) who are aided, are counted as unearned income to the AU and are not subject to a determination of cooperation, or the appropriate child support disregard amount.

However, if a customer opts to exclude a step/half-sibling from the Maximum Aid Payment (under SB 380), the child's other support income will be excluded from the CalWORKs budget.

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Direct Support Payments

The customer is responsible for turning in their direct child support payments to the LCSA and establishing a support account with them, unless exempt or granted good cause from cooperating with the LCSA. Until the customer establishes a support claim, any direct support payment must be treated as unearned income, applying the appropriate child support disregard amount. Once a collection is established, the direct support payment ends and is no longer counted against the CalWORKs budget.

Local Child Support Agency (LCSA)

The LCSA is responsible for customer service for child support inquiries and for resolving issues regarding child/spousal support payments and disregard payments. Human Services Specialists (HSS) will refer customers to the LCSA if they inquire about their disregard payment or child support case. The HSS will provide customers with the following toll-free phone number: 1-866-901-3212.

Payment for Child Support for Child or Spouse Outside the Home

When the customer is making support payments for a child or spouse not in the home, no deduction is allowed from earned, unearned, or disability-based income when calculating the CalWORKs grant amount, whether this is a result of a court order.

Impacts:

CalFresh Impact

There is no change to the CalFresh regulations. Child support payments, received for an eligible household member, including any disregards, are treated as unearned income when determining CalFresh eligibility and benefit amounts (CalFresh Program Guide (CFPG) 63-223.5).

Exemption: Direct child support is excluded for CalFresh under these instances:

- The child support cannot be reasonably anticipated (CFPG 63-282.3)
- The child support payment must be transferred to the District Attorney's office or other County agency to maintain CalWORKs eligibility, even when the money is not actually transferred. (CFPG 63-221-5B)

Medi-Cal Impact

Child support payments received on behalf of a child are not counted as income when determining eligibility for Modified Adjusted Gross Income (MAGI) Medi-Cal. Therefore, the new child support pass-through amounts implemented through AB 79 will not affect eligibility for MAGI Medi-Cal (Medi-Cal Desk Aid 56 MAGI Income and Deduction Types).

Child support payments received are considered unearned income for Non-MAGI Medi-Cal, whether payments are voluntary or by court order (Medi-Cal Program Guide (MPG) 10.02.01B).

Procedure:

- CalWORKs Processing Guide 42-200.D.1 – Child Support Payments
This processing guide provides procedures regarding direct child support payments.

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References:

AB 79

MPP 12-400

EAS 82-500

ACL No. 18-82, 20-115

Sunset Date:

This policy will be reviewed for continuance on or by February 28, 2025.

Approval for Release:

Handwritten signature and date 2-7-22

Rick Wanne, Director
Self-Sufficiency Services