

Introduced by Senator Wright

February 27, 2009

An act to amend Section 17433.5 of the Family Code, relating to child support.

LEGISLATIVE COUNSEL'S DIGEST

SB 578, as introduced, Wright. Child support: interest.

Existing law provides that in any action to enforce child support obligations, interest does not accrue on an obligation for current child, spousal, family, or medical support due in a given month until the first day of the following month.

This bill would additionally provide that no interest would accrue on an obligation for that support in a given month in which the obligor has paid the current month's court-ordered payments of current support and arrears, as specified. The bill would require the Department of Child Support Services to implement that provision by letters or similar instructions, as specified.

The bill would become operative on January 1, 2011.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17433.5 of the Family Code is amended
- 2 to read:
- 3 17433.5. (a) In any action enforced pursuant to this article,
- 4 no interest shall accrue on an obligation for current child, spousal,
- 5 family, or medical support due in a given month until the first day
- 6 of the following month.

1 **(b)** *Notwithstanding any other provision of law, interest on*
2 *obligations for current and past due child, spousal, family, or*
3 *medical support accrues as provided in Section 685.010 of the*
4 *Code of Civil Procedure unless suspended under subdivision (c).*
5 **(c)** *Interest accrual on arrears shall be suspended during those*
6 *months in which the obligor has paid the current month's*
7 *court-ordered payments of current support and arrears.*
8 **(1)** *Interest accrual will be suspended on the first day of the*
9 *month following the current payment.*
10 **(2)** *Interest accrual will resume on the first day of the month*
11 *following the month in which a court-ordered payment of current*
12 *support and arrears is not received.*
13 **(d)** *Notwithstanding Chapter 3.5 (commencing with Section*
14 *11340) of Part 1 of Division 3 of Title 2 of the Government Code,*
15 *the department shall implement this section by means of child*
16 *support services (CSS) letters or similar instructions, without*
17 *taking any further regulatory action. Thereafter, the department*
18 *may adopt regulations, as necessary, to implement this section in*
19 *accordance with the requirements of Chapter 3.5 (commencing*
20 *with Section 11340) of Part 1 of Division 3 of Title 2 of the*
21 *Government Code.*
22 **SEC. 2.** *This act shall become operative on January 1, 2011.*