
CONSENT

Bill No: SB 1264
Author: Valladares (R)
Amended: 3/23/26
Vote: 21

SENATE JUDICIARY COMMITTEE: 12-0, 4/14/26
AYES: Umberg, Niello, Allen, Ashby, Caballero, Durazo, McNerney, Reyes,
Stern, Wahab, Weber Pierson, Wiener
NO VOTE RECORDED: Valladares

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Probate: notice of death for child support obligations

SOURCE: California Child Support Association

DIGEST: This bill requires a general representative or estate attorney who has actual knowledge that a child of the decedent, who is an heir or a beneficiary of the estate, has a child support obligation under a court order of competent jurisdiction to report this fact to the Director of the Department of Child Support Services (DCSS) within 90 days after the date letters are first issued to a general personal representative. The bill specifies that it does not impose a duty on a personal representative or estate attorney to investigate whether or not a decedent or a child of the decedent is subject to a child support order.

ANALYSIS:

Existing law:

- 1) Provides that each parent of a child has an equal responsibility to support their child in the manner suitable to the child's circumstances, and that if a parent willfully fails to so provide that support, the other parent may bring an action to enforce the duty to provide support. (Family (Fam.) Code, §§ 3900, 4000.)

- 2) Establishes DCSS as the single statewide agency responsible for the administration and management of California's child support enforcement program and administers the state plan for securing child support and determining paternity. (Fam. Code, § 17202.)
- 3) Requires that each county maintain a local child support agency (LCSA), which has the responsibility for promptly and effectively establishing, modifying, and enforcing child support obligations and spousal support orders, as well as determining paternity, as provided. Requires that LCSAs take all appropriate action to establish, modify, and enforce child support and, if appropriate, enforce spousal support orders, if the child is receiving public assistance, and, if requested, to take the same actions on behalf of a child who is not receiving public assistance. (Fam. Code § 17400.)
- 4) Requires the general personal representative or estate attorney to give notice of the decedent's death to the Director of the DCSS, as provided, or submitted electronically to the Director through the website of DCSS no later than 90 days after the date letters are first issued to a general representative if the general personal representative or estate attorney knows or has reason to believe that the decedent had a child support obligation under an order issued by the court of competent jurisdiction. (Prob. Code § 9202(e)(1).)
- 5) Specifies that a claim by a public entity is to be filed within the time specified, and that a claim not so filed is barred, including any lien imposed for the claim. (Prob. Code § 9200.)
 - a) Authorizes a local child support agency to assert a claim no later than four months after receiving notice under 4), above. (Prob. Code § 9202(e)(2).)

This bill:

- 1) Requires a general representative or estate attorney to notify the Director of DCSS when they have actual knowledge that the decedent has a child support obligation under a court order of competent jurisdiction.
- 2) Requires a general representative or estate attorney to notify the Director of DCSS when they have actual knowledge that a child of the decedent, who is an heir or a beneficiary of the estate, has a child support obligation under a court order of competent jurisdiction.

- 3) Specifies that these provisions do not impose a duty on a personal representative or estate attorney to investigate whether or not a decedent or a child of the decedent is subject to a child support order.
- 4) Authorizes an LCSA to pursue collection not later than four months after delivery of the notice under 1 or 2.
- 5) Provides that these provisions apply to estates for which letters are first issued on or after January 1, 2027.

Comments

- 1) *Probate*. When a person dies (referred to as the decedent) their assets are generally distributed through a will or by intestate succession and are usually subject to probate administration. Probate administration involves a court proceeding to administer the decedent's estate by: deciding if a will exists, and if so, if it is valid; who are the decedent's heirs or beneficiaries; how much the decedent's estate is worth; taking care of the decedent's unresolved debts; and transferring the decedent's property to the heirs or beneficiaries. A personal representative, which can be an estate attorney, is appointed by the court to handle these matters who then is required to send out letters to interested parties via form DE-150.¹

Last year, the Legislature required a general representative or estate attorney to provide notice to the Director of DCSS if the general representative or estate attorney knows or has reason to believe the decedent had a child support obligation order issued by a court of competent jurisdiction, and authorized an LCSA to assert a claim no later than four months after receiving such notice. (AB 1521 (Com. On Judiciary, Chapter 200, Statutes of 2025.))

- 2) *DCSS and LCSAs*. Under existing law there are two main ways in which a custodial parent may collect child support. The first is where the parent ordered to pay child support provides the monthly payments directly to the custodial parent. The second path is through enrollment in the custodial parent's LCSA directed by DCSS. LCSAs are authorized to engage in a number of actions in cases involving child support orders including collection and disbursement of child support payments.

¹Jud. Branch of Cal., *Letters (DE-150)*, available at [https://selfhelp.courts.ca.gov/jcc-form/DE-150#:~:text=Letters%20\(DE%2D150\)&text=Persons%20who%20are%20appointed%20as,officially%20appointed%20by%20the%20court](https://selfhelp.courts.ca.gov/jcc-form/DE-150#:~:text=Letters%20(DE%2D150)&text=Persons%20who%20are%20appointed%20as,officially%20appointed%20by%20the%20court).

3) *AB 1521 (Com. On Judiciary, Ch. 200, Stats. 2025)*. Last year, the Legislature enacted AB 1521 which, among other things, required a general representative of estate attorney to provide notice to the Director of DCSS if the general representative or estate attorney knows or has reason to believe the decedent had a child support obligation order issued by a court of competent jurisdiction, and authorized an LCSA to assert a claim no later than four months after receiving such notice. Existing law already had similar reporting requirements for notice of a decedent's death to the State Department of Health Care Services if the general representative or estate attorney knew or had reason to believe that the decedent was enrolled in Medi-Cal or the Waxman-Duffy Prepaid Health Plan Act. (Prob. Code § 9202(a).)

This bill seeks to go a step further and require reporting to the Director of DCSS if the general representative or estate attorney has actual knowledge that a child of the decedent, who is an heir or beneficiary of the estate, has a child support obligation under an order issued by a court of competent jurisdiction. This provision is similar to existing law that requires a general representative or estate attorney to notify the California Victim Compensation Board if the an heir or beneficiary of the decedent is or has previously been confined in a prison or facility under the jurisdiction of the Department of Corrections and Rehabilitation or confined in any county or city jail, road camp, industrial farm, or other local correctional facility. (Prop. Code § 9202(b).)

This bill makes it clear that its provisions do not impose a duty on a personal representative or estate attorney to investigate whether or not a decedent or a child of the decedent is subject to a child support order and that its provisions apply to estates for which letters are issued on and after January 1, 2027.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT: (Verified 4/27/26)

California Child Support Association (source)

OPPOSITION: (Verified 4/27/26)

None received

ARGUMENTS IN SUPPORT: The author writes:

Senate Bill 1264 ensures that child support owed to California's children is not lost during probate proceedings by requiring notice to the Department of Child Support Services (DCSS) when a decedent—or a child beneficiary of

the estate—is known to have a child support obligation. Current law does not explicitly require this notice, and as a result, children miss out on financial support that is legally owed to them. SB 1264 builds on the 2025 omnibus reform and closes this loophole.

The California Child Support Association, the sponsor of the bill, writes in support stating:

[...] Under current law, notice is required in certain cases when a decedent owed child support. However, there is no comparable process to provide notice when a beneficiary of an estate, such as an adult child of the decedent, has an existing child support obligation. As a result, a local child support agency may have no awareness of the probate matter and no meaningful opportunity to pursue past-due support that may be owed to a child.

SB 1264 addresses that gap in a measured and practical way. The bill requires notice only where there is actual knowledge of a child support obligation and makes clear that personal representatives and estate attorneys have no affirmative duty to investigate. It also establishes a defined timeframe for local child support agencies to assert a claim and includes a delayed implementation date to support outreach, coordination, and smooth administration.[...]

Prepared by: Amanda Mattson / JUD. / (916) 651-4113
4/28/26 16:33:39

**** END ****