

Date of Hearing: June 9, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
SB 1264 (Valladares) – As Amended March 23, 2026

SENATE VOTE: 36-0

SUBJECT: PROBATE: NOTICE OF DEATH FOR CHILD SUPPORT OBLIGATIONS

SYNOPSIS

Existing law requires a personal representative or estate attorney to provide notice to the Department of Child Support Services when a probate petition is filed after the passing of an individual with a valid child support order. This requirement was enacted last year via AB 1521 (Assembly Committee on Judiciary) Chap. 200, Stats. 2025, which included in its original iteration the same notice requirement when a beneficiary of the decedent had a valid child support order. However, after stakeholders raised implementation concerns, the provision was removed to allow time for discussion on how best to extend that notice requirement without imposing unwieldy new duties on estate representatives. This measure represents the fruit of those discussions. In an effort to bolster the Department of Child Support Services' ability to collect on unpaid support orders for California's children, this bill requires a personal representative or estate attorney to provide notice to the Department when a probate petition is filed when the representative has actual knowledge that a child of the decedent who is a beneficiary has a valid child support order.

The bill is sponsored by the California Child Support Association (CalCSA) and is supported by the Alameda County Board of Supervisors. There is no known opposition.

SUMMARY: Expands existing obligations of a personal representative or estate attorney to provide notice to the Department of Child Support Services of the death of an individual with a child support obligation to include notice when a child of the decedent is subject to a child support order. Specifically, **this bill:**

- 1) Modifies the standard that triggers the requirement for a personal representative or estate attorney to provide notice to the Director of the Department of Child Support Services (DCSS) of the death of a decedent with a child support obligation from knowledge or reason to believe to actual knowledge.
- 2) Extends the obligation to provide the same notice to include where the personal representative or estate attorney has actual knowledge that a child of the decedent who is an heir or beneficiary of the state has a child support obligation under an order issued by a court of competent jurisdiction.
- 3) Clarifies that the modifications 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.

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 Code Sections 3900, 4000.)
- 2) Establishes the Department of Child Support Services (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. (Family Code Section 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. (Family Code Section 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. (Probate Code Section 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. (Probate Code Section 9200.)
- 6) Authorizes a local child support agency to assert a claim no later than four months after receiving notice of a decedent's death where the decedent had a child support obligation, as specified. (Probate Code Section 9202 (e)(2).)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: A probate petition refers to the formal court adjudication of someone's estate when they pass away, and results in the distribution of property identified in the estate. When a probate petition is filed, existing law requires notice to be provided to various public entities, such as the California Victim Compensation Board and the Franchise Tax Board, when the estate representative knows or has reason to believe that the decedent received a benefit or had a financial obligation to one of the agencies. Last year the Legislature approved AB 1521 (Assembly Committee on Judiciary) Chap. 200, Stats. 2025, which included the Department of Child Support Services (DCSS) among the agencies entitled to notice of a filed probate petition. The 2025 changes to the statute also provided local child support agencies (LCSAs) four months after receiving notice of a decedent's passing to assert a claim on the estate.

In its original version, AB 1521 also incorporated a requirement to provide notice to DCSS when the representative knew or had reason to believe that a beneficiary of the decedent was subject to

a child support order. The justification underlying both the general notice to the DCSS regarding the decedent as well as any beneficiary was to bolster the ability of the DCSS to recover money owed to California's children entitled to child support payments. However, stakeholders raised concerns about implementation and a potentially unwieldy new duty for estate attorneys and representatives as it relates to the decedent's children. While an estate attorney may know of the decedent's own children and potential support obligations, the decedent may have several descendants and determining which of those individuals may or may not have children and the status or existence of any relevant support obligations could pose significant challenges to an attorney tasked specifically with administering the estate of the decedent. In response, the bill's original language was pared back to only require notice to the DCSS where the representative was aware, or had reason to know of, of the decedent's own child support obligation.

This bill modifies the law in two principal ways. First, it raises the knowledge requirement triggering notice to the DCSS from circumstances where the estate representative knows or has reason to believe the decedent has an active child support obligation to an actual knowledge standard. In effect it seems this change would limit when the DCSS would receive notice of a decedent's estate to only those situations where the representative is actively aware of a child support obligation, and excludes situations where the representative may suspect one exists but does not have conclusive knowledge of a child support obligation.

Second, the bill extends the notice requirement with the same actual knowledge standard to the decedent's beneficiaries. The bill requires a representative or attorney that has actual knowledge that one or more of the decedent's children that are a beneficiary has a child support order to provide notice to DCSS of the probate petition. As with the other statutory notice provisions, this language would theoretically grant the DCSS greater opportunity to collect on outstanding child support orders. The bill also clarifies that the bill does not impose a duty on the decedent's representative to investigate whether they or their decedent is subject to a child support order.

Finally, the bill makes minor clarifying changes to the four-month time frame for LCSAs to make claims on the estate to clearly establish that an LCSA may "pursue collection" within four months of "delivery" of the notice.

ARGUMENTS IN SUPPORT: This bill is sponsored by the California Child Support Association (CalCSA) and enjoys support from the Alameda County Board of Supervisors. In support of their bill, CalCSA submits:

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.

REGISTERED SUPPORT / OPPOSITION:

Support

Child Support Directors Association of California (sponsor)
Alameda County Board of Supervisors

Opposition

None on file

Analysis Prepared by: Manuela Boucher-de la Cadena / JUD. / (916) 319-2334