

SENATE THIRD READING
SB 1264 (Valladares)
As Amended August 6, 2026
Majority vote

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 *an heir or beneficiary of the estate* is subject to a child support order.

Major Provisions

- 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 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 *an heir or beneficiary of the estate* is subject to a child support order.

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) Chapter 200, Statutes of 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 heir or 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 descendent is subject to a child support order.

According to the Author

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.

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.

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Assembly Appropriations Committee, minor and absorbable costs to DCSS. DCSS reports that local child support agencies and DCSS may require additional resources if there is a significant increase in probate notifications delivered to DCSS. However, such an increase is unlikely.

VOTES**SENATE FLOOR: 36-0-4**

YES: Allen, Alvarado-Gil, Archuleta, Ashby, Becker, Blakespear, Cabaldon, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Weber Pierson, Wiener

ABS, ABST OR NV: Arreguín, Caballero, Valladares, Wahab

ASM JUDICIARY: 12-0-0

YES: Kalra, Macedo, Bauer-Kahan, Bryan, Connolly, Dixon, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

VERSION: August 6, 2026

CONSULTANT: Manuela Boucher / JUD. / (916) 319-2334

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