

**CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES**

P.O. Box 419064, Rancho Cordova, CA 95741-9064



April 25, 2006

CSS LETTER: 06-14

ALL IV-D DIRECTORS  
ALL COUNTY ADMINISTRATIVE OFFICERS  
ALL BOARDS OF SUPERVISORS

SUBJECT: NOTICE OF SUPPORT JUDGMENT AND RELEASE OF JUDGMENT LIEN  
FORMS

The purpose of this letter is to inform local child support agencies (LCSAs) of the changes to the requirements for recording and releasing real property liens. This letter also transmits copies of the mandatory forms to be used by LCSAs for these two business processes.

Legislative Background

Effective January 1, 2003, Assembly Bill (AB) 3032, [Chapter 927, Statutes of 2002], amended the Code of Civil Procedure (CCP) § 697.320(a) and Family Code (FC) § 4506(c) to permit LCSAs to create a judgment lien on real property by recording a Notice of Support Judgment.

After enactment of AB 3032, it was determined the amendments to the CCP and FC did not conform to Government Code (GC) § 27287. This section of the GC requires that all documents submitted to the recorder be notarized unless there is a statutory exemption. To correct this inconsistency, subsequent legislation in 2004, (AB 1704) amended GC § 27282 to permit a notice of support judgment, an interstate lien, a release of lien, or any other document completed and recorded by the LCSA, to be recorded without acknowledgement, certificate of acknowledgment, or further proof. The changes to GC § 27282 did not become effective until January 1, 2005. As a result of this subsequent legislation, the Department of Child Support Services (DCSS) forms required further revision.

Reason for this Transmittal

- State Law or Regulation Change
- Federal Law or Regulation Change
- Court Order or Settlement Change
- Clarification requested by One or More Counties
- Initiated by DCSS

## Process

Prior to the amendments contained in AB 3032, the law required an abstract of judgment ordering a party to pay support to be certified by the clerk of the court where the judgment was entered. FC § 4506 now allows for the recording of a Notice of Support Judgment in lieu of submitting an abstract to the superior court for certification.

The LCSA may record the Notice of Support Judgment, which has the same force and effect as an Abstract of Judgment certified by the clerk of the court.

DCSS has developed, and the Judicial Council of California has approved, the following forms, which are consistent with the requirements of state law and shall be used by all LCSAs.

Abstract of Support Judgment (Notice of Support Judgment) (Form DCSS 0239):

This form shall be used by the LCSAs to create a judgment lien on real property and to file that lien directly with the county recorder. This form does not require a court's file stamp and does not require the clerk of the court's signature.

Release of Judgment Lien (Form DCSS 0240): This form shall be used by the LCSAs to release a judgment lien on real property. This is the appropriate form to use for either general release of lien for all property of the obligor or specific release of lien for property itemized on the form by the LCSA.

The use of Form DCSS 0240 is appropriate for the situations outlined in Title 22, California Code of Regulations § 116134. It is appropriate to use a general release of lien in circumstances where a lien has been recorded based on mistaken identity or the court has issued an order ordering the lien to be released. It is appropriate to use a specific property release of lien in circumstances where there is refinancing of a specific piece of property or sale of a specific piece of property and the obligor has no equity in the property. The LCSAs must evaluate each request for release of lien on a case-by-case basis.

When the LCSA prepares the Release of Judgment Lien form and provides it to the obligor to record with the county recorder, the Acknowledgment form (second page) will also be required. GC § 27282(2) only provides for the exemption to the requirement for notarization if the document is completed and recorded by the LCSA or state agency acting pursuant to Title IV-D of the Social Security Act.

Consortia systems are in the process of loading these new forms. Until they are available on the consortia systems, LCSAs may begin utilizing the attached version of these forms effective immediately. LCSAs will be notified by their consortia system representative when the new forms become available on the consortia systems.

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If you have any questions or concerns regarding this matter, please contact Lindsay Farris with the Policy Branch at (916) 464-5055.

Sincerely,

o/s KAREN ECHEVERRIA

KAREN ECHEVERRIA  
Deputy Director  
Child Support Services Division

Attachments

*RECORDING REQUESTED BY*

\_\_\_\_\_  
*COUNTY CODE:* \_\_\_\_

*WHEN RECORDED MAIL TO*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTICE OF SUPPORT JUDGMENT

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):  
 Recording requested by and return to:

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TELEPHONE NO.: [PHONE LCSA]  
 ATTORNEY FOR  JUDGMENT CREDITOR  ASSIGNEE OF RECORD

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF**  
 STREET ADDRESS:  
 MAILING ADDRESS:  
 CITY AND ZIP CODE:  
 BRANCH NAME:

PETITIONER/PLAINTIFF:  
 RESPONDENT/DEFENDANT:

**FOR RECORDER'S USE ONLY**

**ABSTRACT OF SUPPORT JUDGMENT**

CASE NUMBER:

1. The  judgment creditor  assignee of record applies for an abstract of a support judgment and represents the following:

a. Judgment debtor's  
 Name and last known address

\_\_\_\_\_

b. Driver's license No. and state:  unknown  
 c. Social Security number:  unknown  
 d. Birthdate: [DOB\_NCP]  unknown

**FOR COURT USE ONLY**

(This document is a notice under Family Code Section 4506. Court stamp not required.)

Any electronic signature affixed below has been officially adopted by the requesting governmental agency.

Date: \_\_\_\_\_  
 (TYPE OR PRINT NAME)

 \_\_\_\_\_  
 (SIGNATURE OF APPLICANT OR ATTORNEY)

- 2. I CERTIFY that the judgment entered in this action contains an order for payment of spousal, family, or child support.
- 3. Judgment creditor (name):
- 4.  The support is ordered to be paid to the following county officer (name and address):

- 5. Judgment debtor (full name as it appears in judgment):
- 6. a. A judgment was entered on (date):  
 b. Renewal was entered on (date):  
 c. Renewal was entered on (date):
- 7.  An execution lien is endorsed on the judgment as follows:  
 a. Amount: \$  
 b. In favor of (name and address):
- 8. A stay of enforcement has  
 a.  not been ordered by the court.  
 b.  been ordered by the court effective until (date):
- 9.  This is an installment judgment.

[Seal]

This document is a notice under Family Code Section 4506. No court seal required.

This abstract issued on (date): No date required under FC § 4506.

This document is a notice under Family Code section 4506.  
 Clerk, by \_\_\_\_\_, Deputy

RECORDING REQUESTED BY

\_\_\_\_\_

COUNTY CODE: \_\_\_\_

WHEN RECORDED MAIL TO

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

FOR RECORDER'S USE ONLY

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF**

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

PETITIONER/PLAINTIFF:

RESPONDENT/DEFENDANT:

**RELEASE OF JUDGMENT LIEN**

**GENERAL**       **SPECIFIC PROPERTY**

CASE NUMBER:

1. Judgment creditor or Judgment creditor's assignee (*name and address*):  
[NAME\_DCSS\_EMPLOYEE] [TITLE]  
[NAME\_COUNTY] COUNTY DEPARTMENT OF CHILD SUPPORT SERVICES  
[ADDRESS\_MAILING]

2. Judgment debtor (*name and address*):  
[NAME\_NCP]  
[ADDRESS\_NCP]

3. A judgment was entered at (*name of court*):  
Case number: \_\_\_\_\_ Judgment was entered on (*date*): \_\_\_\_\_  
Renewal(s) entered on (*dates*): \_\_\_\_\_

4. An abstract has been recorded as follows:

COUNTY	DATE OF RECORDING	INSTRUMENT NUMBER	BOOK NUMBER	PAGE NUMBER
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5. The Local Child Support Agency (LCSA) hereby releases the lien created as specified below.

a.  **GENERAL**: This release applies to all property of the debtor subject to the lien.

b.  **SPECIFIC PROPERTY**: This release only applies to the debtor's interest in the following property (*specify*):

c. **This release is not a satisfaction of the judgment.** By release of the lien, the LCSA makes no statement as to the judgment debtor's compliance with the judgment. This release of lien does not affect the amount of support owed now or in the future.

6. **NOTICE TO JUDGMENT DEBTOR:** This release of judgment lien will have to be recorded in each county shown above in order to release the judgment lien.

(Date):

By \_\_\_\_\_  
(TYPE OR PRINT NAME)

 \_\_\_\_\_  
(REPRESENTATIVE OF THE LOCAL CHILD SUPPORT AGENCY)

PETITIONER/PLAINTIFF:	CASE NUMBER:
RESPONDENT/DEFENDANT:	

**ACKNOWLEDGEMENT**

State of California  
County of \_\_\_\_\_

On \_\_\_\_\_, before me \_\_\_\_\_,  
personally appeared \_\_\_\_\_ personally known to  
me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s)  
is/are subscribed to the within instrument and acknowledged to me that he/she/they executed  
the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the  
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the  
instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ [Notary Seal]