

AMENDED IN ASSEMBLY APRIL 23, 1998

AMENDED IN ASSEMBLY APRIL 13, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1682**

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**Introduced by Assembly Members Ortiz, Figueroa,  
Mazzoni, and Sweeney**  
(Coauthor: Senator Watson)

January 16, 1998

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An act to add Section 1032 to the Government Code, relating to public employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1682, as amended, Ortiz. Public officers and employees: child support.

Existing law prescribes various qualifications for eligibility to be employed by the state or any county, city, district, or other political subdivision of the state.

This bill would require every person who is given an offer of employment with the state or any county, city, district, or other political subdivision of the state, *including the University of California, the California State University system, and any community college or school district*, to file an affidavit with that agency's department of personnel disclosing any unpaid court-ordered child support obligations. If the affidavit discloses or the agency's department of personnel determines that an applicant owes any unpaid court-ordered child support, the bill would authorize the

person to be employed only if he or she *agrees to establish an earnings withholding order, as specified, and signs an affidavit that states that he or she will demonstrate a good-faith effort toward compliance, as specified, within 6 months of the start of employment.* The bill would provide that the failure to demonstrate a good-faith effort ~~shall~~ *may* be grounds for discharge *or discipline* of the employee. The bill would also provide that all employees of the state, any county, city, district, or other subdivision of the state, *including the University of California, the California State University system, and any community college or school district,* shall comply with all court-ordered child support obligations as a condition of employment and would make noncompliance grounds for discipline. The bill would authorize the department of personnel of any state or local agency to undertake various related activities. *The bill would provide that its provisions shall apply to the University of California only to the extent that the Regents of the University of California, by resolution, make them applicable.* To the extent that local public entities would be required to implement this provision, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 SECTION 1. This act shall be known and may be cited
- 2 as the Public Employee Child Responsibility Act.



1 SEC. 2. The Legislature finds and declares as follows:

2 (a) The many millions of dollars of unpaid child  
3 support obligations are an enormous social problem that  
4 threaten the welfare of California's children and increase  
5 the burden on California's taxpayers to provide services  
6 for these children.

7 (b) It is in California's interest that all employees of  
8 the state or any county, city, district, or other political  
9 subdivision of the state, demonstrate financial  
10 responsibility, integrity, and lawfulness.

11 (c) Whereas, employees of the state or any county,  
12 city, district, or other political subdivision of the state, are  
13 paid by public funds, it is especially inequitable for them  
14 to obtain those benefits while failing to pay court-ordered  
15 child support, which shifts the support of their  
16 dependents onto the taxpayers.

17 SEC. 3. Section 1032 is added to the Government  
18 Code, to read:

19 1032. (a) Every person who is given an offer of  
20 employment with the state or any county, city, district, or  
21 other political subdivision of the state, *including the*  
22 *University of California, the California State University*  
23 *system, and any community college or school district,*  
24 shall file an affidavit with that agency's department of  
25 personnel disclosing any unpaid court-ordered child  
26 support obligations owed by the applicant.

27 (b) If an applicant's affidavit discloses, or the agency's  
28 department of personnel otherwise determines, that an  
29 applicant owes any unpaid court-ordered child support,  
30 the applicant shall only be employed by the state or any  
31 county, city, district, or other political subdivision of the  
32 state, if he or she *agrees to establish an earnings*  
33 *withholding order for support to satisfy any support*  
34 *arrears to the extent permitted by federal law, and*  
35 signs an affidavit that states that he or she will  
36 demonstrate a good-faith effort to establish one of the  
37 following within six months of the start of employment:

38 (1) The applicant is found to be in compliance with the  
39 order.



1 (2) The applicant negotiates with the district attorney  
2 for a payment schedule on arrearages or reimbursement  
3 or has established a payment schedule with the court and  
4 is in compliance with that agreement.

5 (3) The applicant has submitted a request for review,  
6 but the district attorney will be unable to complete the  
7 review and send notice of his or her findings to the  
8 applicant within the six-month period. This paragraph  
9 applies only if the delay in completing the review process  
10 is not the result of the applicant's failure to act in a  
11 reasonable, timely, and diligent manner upon receiving  
12 notice of the employer's finding that he or she is not in  
13 compliance with a court-ordered child support  
14 obligation.

15 (4) The applicant has filed and served a request for  
16 judicial review, but a resolution of that review will not be  
17 made within the six-month period. This paragraph  
18 applies only if the delay in completing the judicial review  
19 process is not the result of the applicant's failure to act in  
20 a reasonable, timely, and diligent manner upon receiving  
21 notice of the employer's finding that he or she is not in  
22 compliance with a court-ordered child support  
23 obligation.

24 (5) The applicant is not an obligor under a  
25 court-ordered child support obligation.

26 (6) The applicant has obtained a judicial finding of  
27 compliance.

28 The failure to demonstrate a good-faith effort to  
29 establish one of the above criteria within six months of the  
30 start of employment ~~shall~~ *may* be grounds for discharge  
31 *or discipline* of the employee.

32 (c) All employees of the state, any county, city, district,  
33 or other political subdivision of the state, *including the*  
34 *University of California, the California State University*  
35 *system, and any community college or school district,*  
36 shall comply with all court-ordered child support  
37 obligations as a condition of employment.  
38 Noncompliance shall be grounds for discipline.

39 (d) The department of personnel of any state or local  
40 agency is authorized to do all of the following:



1 (1) Investigate the child support payment records of  
2 employees and applicants to determine compliance with  
3 court-ordered child support obligations.

4 (2) Provide information on employees and applicants  
5 to the appropriate governmental entities, to the extent  
6 allowed by law, to assist those offices in enforcement of  
7 child support obligations.

8 (3) Promulgate regulations relating to the operation of  
9 this section.

10 (e) Nothing in this section shall preclude local  
11 governments from enacting ordinances which impose  
12 the same or higher standards.

13 (f) *The provisions of this section shall apply to the*  
14 *University of California only to the extent that the*  
15 *Regents of the University of California, by appropriate*  
16 *resolution, make the provisions applicable.*

17 SEC. 4. Notwithstanding Section 17610 of the  
18 Government Code, if the Commission on State Mandates  
19 determines that this act contains costs mandated by the  
20 state, reimbursement to local agencies and school  
21 districts for those costs shall be made pursuant to Part 7  
22 (commencing with Section 17500) of Division 4 of Title  
23 2 of the Government Code. If the statewide cost of the  
24 claim for reimbursement does not exceed one million  
25 dollars (\$1,000,000), reimbursement shall be made from  
26 the State Mandates Claims Fund.

27 Notwithstanding Section 17580 of the Government  
28 Code, unless otherwise specified, the provisions of this act  
29 shall become operative on the same date that the act  
30 takes effect pursuant to the California Constitution.

