

AMENDED IN ASSEMBLY SEPTEMBER 5, 1997

AMENDED IN ASSEMBLY AUGUST 29, 1997

AMENDED IN ASSEMBLY AUGUST 25, 1997

AMENDED IN ASSEMBLY JULY 28, 1997

AMENDED IN ASSEMBLY JUNE 30, 1997

AMENDED IN SENATE JUNE 3, 1997

AMENDED IN SENATE MAY 5, 1997

AMENDED IN SENATE APRIL 14, 1997

**SENATE BILL**

**No. 936**

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**Introduced by Senator Burton**

February 27, 1997

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~~An act to amend Sections 11475.8 and 15200.95 of, to add Sections 15200.75, 15200.8, 15200.91, and 15200.92 to, the~~ *An act to amend Sections 11475.8 and 15200.85 of, to add Sections 15200.75, 15200.81, 15200.92, and 15200.96 to, to repeal Sections 15200.8 and 15200.9 of, and to repeal and add Section 15200.91 of, the Welfare and Institutions Code, relating to human services.*

LEGISLATIVE COUNSEL'S DIGEST

SB 936, as amended, Burton. Child support enforcement.

Existing law requires the State Department of Social Services to establish a performance-based incentive program that has 2 levels of incentives, Tier I and Tier II, and is

operative until June 30, 1998, to provide federal and state incentive funds to county child support enforcement programs.

This bill would, instead, provide for a child support state incentive payment program, that would be applicable to counties meeting data reporting requirements. The bill would, as of July 1, 1998, require the department to assess each county's compliance with federal and state child support laws and regulations.

Existing law requires the department to compile prescribed information annually on each county child support enforcement program, to be provided to specified officials and governmental agencies.

This bill would require the department to compile other prescribed information, for the 1998-99 fiscal year and each fiscal year thereafter, on each county child support enforcement program for counties that are participating in the state incentive program. The bill would require the department, in consultation with specified entities and persons, to develop regulations regarding the reporting of data. These provisions would be operative for as long as participating counties are required to report data to the department, as provided in the bill.

Existing law requires the Office of the Legislative Analyst to conduct a study of the effectiveness, efficiency, and integrity of this performance-based incentive program, the department's regulations, and the operation of these processes at the state and county level, and to report its findings and recommendations for improvement, as appropriate, to the Legislature by March 1, 1997.

This bill would repeal this provision regarding the Legislative Analyst's report.

The bill would require the Office of Legislative Analyst, in conjunction with other entities, to prepare a performance-based incentive program for the 1998-99 fiscal year and subsequent fiscal years. The bill would require the Office of the Legislative Analyst to issue a report to the Legislature by March 1, 1998.

The bill would also provide that, to the extent funds are appropriated in the Budget Act, funds be allocated by the



Judicial Council for the payment of certain costs including those related to child support commissioners and family law facilitators.

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

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

1 SECTION 1. Section 11475.8 of the Welfare and  
2 Institutions Code is amended to read:

3 11475.8. (a) The Legislature finds and declares all of  
4 the following:

5 (1) The Legislative Analyst has found that county  
6 child support enforcement programs provide a net  
7 increase in revenues to the state.

8 (2) The state has a fiscal interest in ensuring that  
9 county child support enforcement programs perform  
10 efficiently.

11 (3) The state does not provide information to counties  
12 on child support enforcement programs, based on  
13 common denominators that would facilitate comparison  
14 of program performance.

15 (4) Providing this information would allow county  
16 officials to monitor program performance and to make  
17 appropriate modifications to improve program  
18 efficiency.

19 (5) This information is required for effective  
20 management of the child support program.

21 (b) (1) Except as provided in paragraph (2),  
22 commencing with the 1998–99 fiscal year, and for each  
23 fiscal year thereafter, each county that is participating in  
24 the state incentive program described in Section ~~15200.8~~  
25 *15200.81* shall provide to the department, and the  
26 department shall compile from this county child support  
27 information, quarterly and annually, all of the following  
28 performance-based data, as established by the federal  
29 incentive funding system, provided that the department  
30 may revise the data required by this paragraph in order  
31 to conform to the final federal incentive system data  
32 definitions:



1 (A) One of the following data relating to paternity  
2 establishment, as required by the department, provided  
3 that the department shall require all counties to report on  
4 the same measurement:

5 (i) The total number of children in the caseload  
6 governed by Subtitle D (commencing with Section 450)  
7 of Title IV of the federal Social Security Act (42 U.S.C.  
8 Sec. 650 et seq.), as of the end of the federal fiscal year,  
9 who were born to unmarried parents for whom paternity  
10 was established or acknowledged, and the total number  
11 of children in that caseload, as of the end of the preceding  
12 federal fiscal year, who were born to unmarried parents.

13 (ii) The total number of minor children who were  
14 born in the state to unmarried parents for whom  
15 paternity was established or acknowledged during a  
16 federal fiscal year, and the total number of children in the  
17 state born to unmarried parents during the preceding  
18 federal fiscal year.

19 (B) The number of cases governed by Subtitle D  
20 (commencing with Section 450) of Title IV of the federal  
21 Social Security Act (42 U.S.C. Sec. 650 et seq.) during the  
22 federal fiscal year and the total number of those cases  
23 with support orders.

24 (C) The total dollars collected during the federal fiscal  
25 year in cases governed by Subtitle D (commencing with  
26 Section 450) of Title IV of the federal Social Security Act  
27 (42 U.S.C. Sec. 650 et seq.) and the total number of dollars  
28 owing during that federal fiscal year in cases governed by  
29 those provisions.

30 (D) The total number of cases for the federal fiscal  
31 year governed by Subtitle D (commencing with Section  
32 450) of Title IV of the federal Social Security Act (42  
33 U.S.C. Sec. 650 et seq.) in which payment was being made  
34 toward child support arrearages and the total number of  
35 cases for that fiscal year governed by these federal  
36 provisions that had child support arrearages.

37 (E) The total number of dollars collected and  
38 expended during a federal fiscal year in cases governed  
39 by Subtitle D (commencing with Section 450) of Title IV



1 of the federal Social Security Act (42 U.S.C. Sec. 650 et  
2 seq.).

3 (F) The total amount of child support dollars collected  
4 during a federal fiscal year, and, if and when required by  
5 federal law, the amount of these collections broken down  
6 by collections distributed on behalf of current recipients  
7 of federal Temporary Assistance for Needy Families  
8 block grant funds or federal foster care funds, on behalf  
9 of former recipients of federal Temporary Assistance for  
10 Needy Families block grant funds or federal foster care  
11 funds, or on behalf of persons who are not recipients of  
12 these federal funds.

13 (2) A county may apply for an exemption from any or  
14 all of the reporting requirements of paragraph (1) for the  
15 1998–99 state fiscal year or any quarter of that fiscal year,  
16 as well as for the first quarter of the 1999–2000 fiscal year,  
17 by submitting an application for the exemption to the  
18 department at least three months prior to the  
19 commencement of the fiscal year or quarter for which the  
20 exemption is sought. A county shall provide a separate  
21 justification for each data element under paragraph (1)  
22 for which the county is seeking an exemption and the cost  
23 to the county of providing the data. The department may  
24 not grant an exemption for more than one year. The  
25 department may grant a single exemption only if both of  
26 the following conditions are met:

27 (A) The county cannot compile the data being sought  
28 through its existing automated system or systems.

29 (B) The county cannot compile the data being sought  
30 through manual means or through an enhanced  
31 automated system or systems without significantly  
32 harming the child support collection efforts of the county.

33 (c) Except as provided in paragraph (6), before  
34 implementation of the state child support computers, the  
35 Statewide Automated Child Support System (SACSS) or  
36 its equivalent, and the Los Angeles Automated Child  
37 Support Enforcement Replacement System (ARS), in  
38 addition to the information required by subdivision (b),  
39 the department shall collect, on a monthly basis, from  
40 each county that is participating in the state incentive



1 program described in Section ~~15200.8~~ 15200.81,  
2 information on the county child support enforcement  
3 program beginning with the 1998–99 fiscal year, and for  
4 each subsequent fiscal year, and shall report quarterly  
5 and annually on all of the following measurements:

6 (1) For each of the following support collection  
7 categories, the number of cases with support collected  
8 shall include only the number of cases actually receiving  
9 a collection, not the number of payments received. For  
10 purposes of determining the number of cases with an  
11 order of current support and the number of cases in  
12 which current support is being collected, cases with a  
13 medical support order that do not have an order for  
14 current support shall not be counted.

15 (A) The number of cases with an order for current  
16 support.

17 (B) The number of cases with collections of current  
18 support.

19 (C) The number of cases with an order for arrears.

20 (D) The number of cases with arrears collections.

21 (2) The number of alleged fathers or obligors who  
22 were served with a summons and complaint to establish  
23 paternity or a support order. In order to be counted  
24 under this paragraph, the alleged father or obligor shall  
25 be successfully served with process. An alleged father  
26 shall be counted under this paragraph only once if he is  
27 served with process simultaneously for both a paternity  
28 and a support order proceeding for the same child or  
29 children. For purposes of this paragraph, a support order  
30 shall include a medical support order.

31 (3) The number of children requiring paternity  
32 establishment and the number of children for whom  
33 paternity has been established during the period.  
34 Paternity may only be established once for each child.  
35 Any child for whom paternity is not at issue shall not be  
36 counted in the number of children for whom paternity  
37 has been established. For this purpose, paternity is not at  
38 issue if the parents were married and neither parent  
39 challenges paternity or a voluntary paternity declaration  
40 has been executed by the parents prior to the county



1 child support enforcement program obtaining the case  
2 and neither parent challenges paternity.

3 (4) The number of cases requiring that a support order  
4 be established and the number of cases that had a support  
5 order established during the period. A support order shall  
6 be counted as established only when the appropriate  
7 court has issued an order for child support, including an  
8 order for temporary child support, or an order for  
9 medical support.

10 (5) The total cost of administering the county child  
11 support enforcement program, including the federal,  
12 state, and county share of the costs, and the federal and  
13 state incentives received by each county. The total cost  
14 of administering the program shall be broken down by  
15 the following:

16 (A) The direct costs of the program, broken down  
17 further by total employee salaries and benefits, a list of  
18 the number of employees broken down into at least the  
19 following categories: attorneys, administrators,  
20 caseworkers, investigators, and clerical support;  
21 contractor costs; space charges; and payments to other  
22 county agencies. Employee salaries and numbers need  
23 only be reported in the annual report.

24 (B) The indirect costs, showing all overhead charges.

25 (6) A county may apply for an exemption from any or  
26 all of the reporting requirements of this subdivision for a  
27 fiscal year by submitting an application for the exemption  
28 to the department at least three months prior to the  
29 commencement of the fiscal year or quarter for which the  
30 exemption is sought. A county shall provide a separate  
31 justification for each data element under this subdivision  
32 for which the county is seeking an exemption and the cost  
33 to the county of providing the data. The department may  
34 not grant an exemption for more than one year. The  
35 department may grant a single exemption only if both of  
36 the following conditions are met:

37 (A) The county cannot compile the data being sought  
38 through its existing automated system or systems.

39 (B) The county cannot compile the data being sought  
40 through manual means or through an enhanced



1 automated system or systems without significantly  
2 harming the child support collection efforts of the county.

3 (d) After implementation of the state child support  
4 computers, SACSS or its equivalent, and ARS, in addition  
5 to the information required by subdivision (b), the  
6 department shall collect, on a monthly basis, from each  
7 county that is participating in the state incentive program  
8 described in Section ~~15200.8~~ 15200.81, information on the  
9 county child support enforcement program beginning  
10 with the 1998–99 fiscal year or a later fiscal year, as  
11 appropriate, and for each subsequent fiscal year, and shall  
12 report quarterly and annually on all of the following  
13 measurements:

14 (1) For each of the following support collection  
15 categories, the number of cases with support collected  
16 shall include only the number of cases actually receiving  
17 a collection, not the number of payments received.

18 (A) (i) The number of cases with collections for  
19 current support.

20 (ii) The number of cases with arrears collections only.

21 (iii) The number of cases with both current support  
22 and arrears collections.

23 (B) For cases with current support only due.

24 (i) The number of cases in which the full amount of  
25 current support owed was collected.

26 (ii) The number of cases in which some amount of  
27 current support, but less than the full amount of support  
28 owed, was collected.

29 (iii) The number of cases in which no amount of  
30 support owed was collected.

31 (C) For cases in which arrears only were owed:

32 (i) The number of cases in which all arrears owed were  
33 collected.

34 (ii) The number of cases in which some amount of  
35 arrears, but less than the full amount of arrears owed,  
36 were collected.

37 (iii) The number of cases in which no amount of  
38 arrears owed were collected.

39 (D) For cases in which both current support and  
40 arrears are owed:



1 (i) The number of cases in which the full amount of  
2 current support and arrears owed were collected.

3 (ii) The number of cases in which some amount of  
4 current support and arrears, but less than the full amount  
5 of support owed, were collected.

6 (iii) The number of cases in which no amount of  
7 support owed was collected.

8 (E) The total number of cases in which an amount was  
9 due for current support only.

10 (F) The total number of cases in which an amount was  
11 due for both current support and arrears.

12 (G) The total number of cases in which an amount was  
13 due for arrears only.

14 (H) For cases with current support due, the number  
15 of cases without orders for medical support and the  
16 number of cases with an order for medical support.

17 (2) The number of alleged fathers or obligors who  
18 were served with a summons and complaint to establish  
19 paternity or a support order, and the number of alleged  
20 fathers or obligors for whom it is required that paternity  
21 or a support order be established. In order to be counted  
22 under this paragraph, the alleged father or obligor shall  
23 be successfully served with process. An alleged father  
24 shall be counted under this paragraph only once if he is  
25 served with process simultaneously for both a paternity  
26 and a support order proceeding for the same child or  
27 children. For purposes of this paragraph, a support order  
28 shall include a medical support order.

29 (3) The number of new asset seizures or successful  
30 initial collections on a wage assignment for purposes of  
31 child support collection. For purposes of this paragraph,  
32 a collection made on a wage assignment shall be counted  
33 only once for each wage assignment issued.

34 (4) The number of children requiring paternity  
35 establishment and the number of children for whom  
36 paternity has been established during the period.  
37 Paternity may only be established once for each child.  
38 Any child for whom paternity is not at issue shall not be  
39 counted in the number of children for whom paternity  
40 has been established. For this purpose, paternity is not at



1 issue if the parents were married and neither parent  
2 challenges paternity or a voluntary paternity declaration  
3 has been executed by the parents prior to the county  
4 child support enforcement program obtaining the case  
5 and neither parent challenges paternity.

6 (5) The number of cases requiring that a support order  
7 be established and the number of cases that had a support  
8 order established during the period. A support order shall  
9 be counted as established only when the appropriate  
10 court has issued an order for child support, including an  
11 order for temporary child support, or an order for  
12 medical support.

13 (6) The total cost of administering the county child  
14 support enforcement program, including the federal,  
15 state, and county share of the costs and the federal and  
16 state incentives received by each county. The total cost  
17 of administering the program shall be broken down by  
18 the following:

19 (A) The direct costs of the program, broken down  
20 further by total employee salaries and benefits, a list of  
21 the number of employees broken down into at least the  
22 following categories: attorneys, administrators,  
23 caseworkers, investigators, and clerical support;  
24 contractor costs; space charges; and payments to other  
25 county agencies. Employee salaries and numbers need  
26 only be reported in the annual report.

27 (B) The indirect costs, showing all overhead charges.

28 (7) The total child support collections due, broken  
29 down by current support, interest on arrears, and  
30 principal, and the total child support collections that have  
31 been collected, broken down by current support, interest  
32 on arrears, and principal.

33 (8) The actual case status for all cases in the county  
34 child support enforcement program. Each case shall be  
35 reported in one case status only. If a case falls within more  
36 than one status category, it shall be counted in the first  
37 status category of the list set forth below in which it  
38 qualifies. The following shall be the case status choices:

39 (A) No support order, location of obligor parent  
40 required.



1 (B) No support order, alleged obligor parent located  
2 and paternity required.

3 (C) No support order, location and paternity not an  
4 issue but support order must be established.

5 (D) Support order established with current support  
6 obligation and obligor is in compliance with support  
7 obligation.

8 (E) Support order established with current support  
9 obligation, obligor is in arrears and location of obligor is  
10 necessary.

11 (F) Support order established with current support  
12 obligation, obligor is in arrears, and location of obligor's  
13 assets is necessary.

14 (G) Support order established with current support  
15 obligation, obligor is in arrears and no location of obligor  
16 or obligor's assets is necessary.

17 (H) Support order established with current support  
18 obligation, obligor is in arrears, the obligor is located, but  
19 the district attorney has established satisfactorily that the  
20 obligor has no income or assets and no ability to earn.

21 (I) Support order established with current support  
22 obligation and arrears, obligor is paying the current  
23 support and is paying some or all of the interest on the  
24 arrears, but is paying no principal.

25 (J) Support order established for arrears only and  
26 obligor is current in repayment obligation.

27 (K) Support order established for arrears only, obligor  
28 is not current in arrears repayment schedule and location  
29 of obligor is required.

30 (L) Support order established for arrears only, obligor  
31 is not current in arrears repayment schedule and location  
32 of obligor's assets is required.

33 (M) Support order established for arrears only, obligor  
34 is not current in arrears repayment schedule, and no  
35 location of obligor or obligor's assets is required.

36 (N) Support order established for arrears only, obligor  
37 is not current in arrears repayment, and the obligor is  
38 located, but the district attorney has established  
39 satisfactorily that the obligor has no income or assets and  
40 no ability to earn.



1 (O) Support order established for arrears only and  
2 obligor is repaying some or all of the interest, but no  
3 principal.

4 (P) Other, if necessary, to be defined in the  
5 regulations promulgated under subdivision (e).

6 (e) Upon implementation of the SACSS or its  
7 equivalent, and ARS, or at such time as the department  
8 determines that compliance with this subdivision is  
9 possible, each county that is participating in the state  
10 incentive program described in Section ~~15200.8~~ *15200.81*  
11 shall collect and report, and the department shall compile  
12 for each participating county, information on the county  
13 child support program in each fiscal year, all of the  
14 following data, in a manner that facilitates comparison of  
15 counties and the entire state, except that the department  
16 may eliminate or modify the requirement to report any  
17 data mandated to be reported pursuant to this subdivision  
18 if the department determines that the district attorneys  
19 are unable to accurately collect and report the  
20 information or that collecting and reporting of the data  
21 by the district attorneys will be onerous:

22 (1) The number of alleged obligors or fathers who  
23 receive CalWORKs benefits, food stamp benefits, and  
24 Medi-Cal benefits.

25 (2) The number of obligors or alleged fathers who  
26 were in state prison or county jail.

27 (3) The number of obligors or alleged fathers who do  
28 not have a social security number.

29 (4) The number of obligors or alleged fathers whose  
30 address is unknown.

31 (5) The number of obligors or alleged fathers whose  
32 complete name, consisting of at least a first and last name,  
33 is not known by the county district attorney's office.

34 (6) The number of obligors or alleged fathers who filed  
35 a tax return with the Franchise Tax Board in the last year  
36 for which a data match is available.

37 (7) The number of obligors or alleged fathers who  
38 have no income reported to the Employment  
39 Development Department during the third quarter of  
40 the fiscal year.



1 (8) The number of obligors or alleged fathers who  
2 have income between one dollar (\$1) and five hundred  
3 dollars (\$500) reported to the Employment  
4 Development Department during the third quarter of  
5 the fiscal year.

6 (9) The number of obligors or alleged fathers who  
7 have income between five hundred one dollars (\$501)  
8 and one thousand five hundred dollars (\$1,500) reported  
9 to the Employment Development Department during  
10 the third quarter of the fiscal year.

11 (10) The number of obligors or alleged fathers who  
12 have income between one thousand five hundred one  
13 dollars (\$1,501) and two thousand five hundred dollars  
14 (\$2,500) reported to the Employment Development  
15 Department during the third quarter of the fiscal year.

16 (11) The number of obligors or alleged fathers who  
17 have income between two thousand five hundred one  
18 dollars (\$2,501) and three thousand five hundred dollars  
19 (\$3,500) reported to the Employment Development  
20 Department during the third quarter of the fiscal year.

21 (12) The number of obligors or alleged fathers who  
22 have income between three thousand five hundred one  
23 dollars (\$3,501) and four thousand five hundred dollars  
24 (\$4,500) reported to the Employment Development  
25 Department during the third quarter of the fiscal year.

26 (13) The number of obligors or alleged fathers who  
27 have income between four thousand five hundred one  
28 dollars (\$4,501) and five thousand five hundred dollars  
29 (\$5,500) reported to the Employment Development  
30 Department during the third quarter of the fiscal year.

31 (14) The number of obligors or alleged fathers who  
32 have income between five thousand five hundred one  
33 dollars (\$5,501) and six thousand five hundred dollars  
34 (\$6,500) reported to the Employment Development  
35 Department during the third quarter of the fiscal year.

36 (15) The number of obligors or alleged fathers who  
37 have income between six thousand five hundred one  
38 dollars (\$6,501) and seven thousand five hundred dollars  
39 (\$7,500) reported to the Employment Development  
40 Department during the third quarter of the fiscal year.



1 (16) The number of obligors or alleged fathers who  
2 have income between seven thousand five hundred one  
3 dollars (\$7,501) and nine thousand dollars (\$9,000)  
4 reported to the Employment Development Department  
5 during the third quarter of the fiscal year.

6 (17) The number of obligors or alleged fathers who  
7 have income exceeding nine thousand dollars (\$9,000)  
8 reported to the Employment Development Department  
9 during the third quarter of the fiscal year.

10 (18) The number of obligors or alleged fathers who  
11 have two or more employers reporting earned income to  
12 the Employment Development Department during the  
13 third quarter of the fiscal year.

14 (19) The number of obligors or alleged fathers who  
15 receive unemployment benefits during the third quarter  
16 of the fiscal year.

17 (20) The number of obligors or alleged fathers who  
18 receive state disability benefits during the third quarter  
19 of the fiscal year.

20 (21) The number of obligors or alleged fathers who  
21 receive workers' compensation benefits during the third  
22 quarter of the fiscal year.

23 (22) The number of obligors or alleged fathers who  
24 receive Social Security Disability Insurance benefits  
25 during the third quarter of the fiscal year.

26 (23) The number of obligors or alleged fathers who  
27 receive Supplemental Security Income/State  
28 Supplementary Program for the Aged, Blind, and  
29 Disabled benefits during the third quarter of the fiscal  
30 year.

31 (f) The department, in consultation with the  
32 Legislative Analyst's office, the Judicial Council, the  
33 California Family Support Council, and child support  
34 advocates, shall develop regulations to ensure that all  
35 county child support enforcement programs report the  
36 data required by this section uniformly and consistently  
37 throughout California.

38 (g) The department shall provide the information for  
39 all participating counties for the 1998–99 fiscal year to  
40 each member of a county board of supervisors, county



1 executive officer, district attorney, and the appropriate  
2 policy committees and fiscal committees of the  
3 Legislature by December 31, 1999. The department shall  
4 provide the information for each subsequent fiscal  
5 quarter and fiscal year no later than three months  
6 following the end of the fiscal quarter and no later than  
7 nine months following the end of the fiscal year. The  
8 department shall present the information in a manner  
9 that facilitates comparison of county performance.

10 (h) For purposes of this section, “case” means a  
11 noncustodial parent, whether mother, father, or putative  
12 father, who is, or eventually may be, obligated under law  
13 for support of a child or children. For purposes of this  
14 definition, a noncustodial parent shall be counted once  
15 for each family that has a dependent child he or she may  
16 be obligated to support.

17 (i) This section shall be operative only for as long as  
18 Section 15200.92 requires participating counties to report  
19 data to the department.

20 SEC. 2. Section 15200.75 is added to the Welfare and  
21 Institutions Code, to read:

22 15200.75. (a) The department shall assess on at least  
23 an annual basis each county’s compliance with federal  
24 and state child support laws and regulations in effect for  
25 the time period being reviewed, using a statistically valid  
26 sample of cases. The information for the assessment shall  
27 be based on reviews conducted by either state or county  
28 staff, as determined by the department.

29 (1) A county shall be eligible for the state incentives  
30 under Section ~~15200.8~~ 15200.81 only if the department  
31 determines that the county is in compliance with all  
32 federal and state laws and regulations or if the county has  
33 a corrective action plan in place that has been certified  
34 by the department pursuant to this subdivision. If a  
35 county is determined not to be in compliance, the county  
36 may develop and submit a corrective action plan to the  
37 department. The department shall certify a corrective  
38 action plan if the department determines that the plan  
39 will put the county into compliance with federal and state  
40 laws and regulations and the county remains in



1 compliance with the corrective action plan. A county  
2 shall be eligible for state incentives under Section ~~15200.8~~  
3 *15200.81* only for any quarter the county remains in  
4 compliance with a corrective action plan that has been  
5 certified by the department.

6 (2) Counties under a corrective action plan shall be  
7 assessed on a quarterly basis until the department  
8 determines that they are in compliance with federal and  
9 state child support program requirements.

10 (b) The department shall collect information  
11 regarding whether cases on behalf of families receiving  
12 Aid to Families with Dependent Children are  
13 disproportionately represented in the portion of each  
14 county's case sample that is not in compliance. In the  
15 event disproportionate representation is found in a  
16 county's pool of noncompliant cases, the department shall  
17 require corrective action from that county. However, this  
18 corrective action shall not affect the county's entitlement  
19 to incentives.

20 (c) This section shall become operative on July 1, 1998.

21 SEC. 3. ~~Section 15200.8~~ *Section 15200.8 of the Welfare*  
22 *and Institutions Code is repealed.*

23 ~~15200.8. (a) The department shall establish a~~  
24 ~~performance-based incentive system which will provide~~  
25 ~~federal and state incentive funds to counties based on~~  
26 ~~standards of performance in the child support program.~~  
27 ~~The performance standards established shall determine~~  
28 ~~the incentive rates to be paid on any support collections~~  
29 ~~distributed on or after January 1, 1992.~~

30 ~~(b) The performance-based incentive system shall~~  
31 ~~have two levels of incentives.~~

32 ~~(1) The first level, hereafter referred to as "Tier I,"~~  
33 ~~shall provide counties with a base incentive rate~~  
34 ~~(referred to in this article as the base rate). Tier I also shall~~  
35 ~~provide an increased incentive rate (referred to in this~~  
36 ~~article as the compliance rate) to each county~~  
37 ~~determined by the department to be in compliance with~~  
38 ~~all federal and state child support enforcement program~~  
39 ~~requirements. The compliance incentive rate may also be~~  
40 ~~provided to each county that is in the process of~~



1 ~~conversion to the Statewide Automated Child Support~~  
2 ~~System, as defined in subdivision (c) of Section 10815, if~~  
3 ~~the department determines that there is a reasonable~~  
4 ~~likelihood that the county would be in full compliance~~  
5 ~~with all federal and state child support enforcement~~  
6 ~~program requirements except for the fact that the county~~  
7 ~~has been required to divert resources to prepare for~~  
8 ~~conversion to the Statewide Automated Child Support~~  
9 ~~System and if the department further determines that the~~  
10 ~~county's efforts will bring the county into full compliance~~  
11 ~~with all federal and state child support enforcement~~  
12 ~~program requirements within a reasonable period of~~  
13 ~~time.~~

14 ~~(2) In determining Tier I county compliance, the~~  
15 ~~department shall assess on at least an annual basis the~~  
16 ~~accuracy and effectiveness of case processing based on~~  
17 ~~the federal and state requirements in effect for the time~~  
18 ~~period being reviewed, using a statistically valid sample~~  
19 ~~of cases. The information for the assessment shall be based~~  
20 ~~on reviews conducted by either state or county staff, as~~  
21 ~~determined by the department.~~

22 ~~(A) Counties determined not to be in compliance shall~~  
23 ~~be required to develop and submit a corrective action~~  
24 ~~plan to the department.~~

25 ~~(B) Counties under a corrective action plan shall be~~  
26 ~~assessed on a quarterly basis until the department~~  
27 ~~determines that they are in compliance with federal and~~  
28 ~~state child support program requirements.~~

29 ~~(3) In addition to determining Tier I compliance, the~~  
30 ~~department shall collect information regarding whether~~  
31 ~~cases on behalf of families receiving Aid to Families with~~  
32 ~~Dependent Children are disproportionately represented~~  
33 ~~in the portion of each county's case sample which is not~~  
34 ~~in compliance. In the event disproportionate~~  
35 ~~representation is found in a county's pool of~~  
36 ~~noncompliant cases, the department shall require~~  
37 ~~corrective action from that county. However, this~~  
38 ~~corrective action shall not affect the county's entitlement~~  
39 ~~to Tier I incentives.~~



1 ~~(4) The second level (referred to in this article as Tier~~  
2 ~~H), shall provide an additional incentive rate (referred to~~  
3 ~~in this article as the performance rate), to counties that~~  
4 ~~meet the performance standard levels as established by~~  
5 ~~the department. No county shall qualify for payment of~~  
6 ~~Tier II incentives in any year, month, or quarter in which~~  
7 ~~it was not also eligible for the Tier I compliance rate.~~

8 ~~(c) (1) The incentive rates shall be paid as a~~  
9 ~~percentage of total distributed collections.~~

10 ~~(2) "Distributed collections" means collections used to~~  
11 ~~reduce or repay aid which is paid pursuant to this chapter;~~  
12 ~~collections paid to an aided family; collections paid to a~~  
13 ~~nonaided family regardless of the date of collection;~~  
14 ~~collections paid to other state child support agencies on~~  
15 ~~behalf of children residing in other states; and any other~~  
16 ~~payments collected which qualify for federal incentives.~~

17 ~~(d) Effective January 1, 1992, incentive payments shall~~  
18 ~~be paid to the appropriate county jurisdiction as~~  
19 ~~determined by the department.~~

20 ~~(e) Nothing in this section shall preclude the~~  
21 ~~department from adopting regulations pursuant to~~  
22 ~~Section 11479.5.~~

23 ~~(f) This section shall become inoperative on June 30,~~  
24 ~~1998, and as of January 1, 1999, is repealed, unless a later~~  
25 ~~enacted statute, which becomes effective on or before~~  
26 ~~January 1, 1999, deletes or extends the dates on which it~~  
27 ~~becomes inoperative and is repealed.~~

28 *SEC. 4. Section 15200.81* is added to the Welfare and  
29 Institutions Code, to read:

30 ~~15200.8.—~~

31 *15200.81.* (a) On and after July 1, 1998, the  
32 department shall establish a state incentive for child  
33 support collections. The sum available for purposes of this  
34 section shall be paid as incentives on distributed  
35 collections to each county that elects to participate in the  
36 state incentives. A county electing to participate shall, as  
37 a condition of the receipt of state incentive funds under  
38 this section, be required to comply with the reporting  
39 requirements of Section 11475.8, during such time as  
40 regular and enhanced federal financial participation is



1 available for collecting and reporting the data. Each  
 2 participating county shall receive, as its incentive  
 3 payment under this section, the percentage of the total  
 4 incentive dollars distributed to participating counties  
 5 that equals the county's percentage of statewide  
 6 distributed collections. For purposes of this section,  
 7 "distributed collections" means collections used to  
 8 reduce or repay aid that is paid pursuant to this chapter,  
 9 collections paid to an aided family, collections paid to a  
 10 nonaided family regardless of the date of collection,  
 11 collections paid to other child support agencies on behalf  
 12 of children residing in other states, and any other  
 13 payments collected that qualify for federal incentives.

14 (b) Each county shall continue to receive its federal  
 15 child support incentive funding whether or not it elects  
 16 to participate in the state child support incentive funding  
 17 program.

18 (c) The department shall provide incentive funds  
 19 pursuant to this section only during any fiscal year in  
 20 which funding is provided for that purpose in the Budget  
 21 Act.

22 ~~SEC. 4.—~~

23 *SEC. 5. Section 15200.85 of the Welfare and*  
 24 *Institutions Code is amended to read:*

25 15200.85. (a) Effective January 1, 1992, there shall be  
 26 appropriated from the State Treasury sufficient funds,  
 27 including federal incentives, from which the department  
 28 shall pay to each county a base rate of 10 percent on any  
 29 support collections distributed, regardless of the date of  
 30 collection. The base incentive rate shall decrease by 1  
 31 percent annually each July 1, until July 1, 1995, at which  
 32 time it shall be 6 percent for that fiscal year and every  
 33 fiscal year thereafter.

34 ~~(b) Effective January 1, 1992, the department shall pay~~  
 35 ~~to each county that is determined by the department to~~  
 36 ~~meet all requirements of Tier I, as described in paragraph~~  
 37 ~~(1) of subdivision (b) of Section 15200.8, a compliance~~  
 38 ~~incentive rate of 1 percent on any support collections~~  
 39 ~~distributed. This compliance rate shall increase by 1~~  
 40 ~~percent annually each July 1, until July 1, 1995, at which~~



1 ~~time it shall be 5 percent for that fiscal year and every~~  
2 ~~fiscal year thereafter.~~

3 ~~(e) Counties which complete their corrective action~~  
4 ~~plans pursuant to subparagraph (B) of paragraph (1) of~~  
5 ~~subdivision (b) of Section 15200.8, shall qualify for the~~  
6 ~~compliance rate incentive at the start of the quarter~~  
7 ~~following completion.~~

8 ~~(d) This section shall become inoperative on June 30,~~  
9 ~~1998, and as of January 1, 1999, is repealed, unless a later~~  
10 ~~enacted statute, which becomes effective on or before~~  
11 ~~January 1, 1999, deletes or extends the dates on which it~~  
12 ~~becomes inoperative and is repealed.~~

13 *SEC. 6. Section 15200.9 of the Welfare and Institutions*  
14 *Code is repealed.*

15 ~~15200.9. (a) Effective July 1, 1993, there shall be~~  
16 ~~appropriated from the State Treasury sufficient funds,~~  
17 ~~including federal incentives, from which the department~~  
18 ~~shall pay a performance rate to those counties which~~  
19 ~~meet Tier II performance standards, pursuant to~~  
20 ~~paragraph (2) of subdivision (b) of Section 15200.8. The~~  
21 ~~performance rate shall be paid in addition to that~~  
22 ~~provided for under Section 15200.85 and shall be paid on~~  
23 ~~distributed collections, regardless of the date of~~  
24 ~~collection.~~

25 ~~(b) The performance rate shall be a graduated scale~~  
26 ~~up to a maximum rate of 1 percent. The maximum~~  
27 ~~performance rate shall increase by 1 percent annually~~  
28 ~~until July 1, 1995, at which time it shall be 3 percent for~~  
29 ~~that fiscal year and every fiscal year thereafter.~~

30 ~~(e) This section shall become inoperative on June 30,~~  
31 ~~1998, and as of January 1, 1999, is repealed, unless a later~~  
32 ~~enacted statute, which becomes effective on or before~~  
33 ~~January 1, 1999, deletes or extends the dates on which it~~  
34 ~~becomes inoperative and is repealed.~~

35 *SEC. 7. Section 15200.91 of the Welfare and*  
36 *Institutions Code is repealed.*

37 ~~15200.91. The Legislative Analyst's office shall~~  
38 ~~conduct a study of the effectiveness, efficiency, and~~  
39 ~~integrity of the child support performance review and~~  
40 ~~corrective action processes described in Sections 15200.8~~



1 to 15200.9, inclusive, the department's regulations, and  
2 the operation of these processes at the state and county  
3 level and shall report its findings and recommendations  
4 for improvement, as appropriate, to the Legislature by  
5 March 1, 1997. The study shall be designed by the  
6 Legislative Analyst's office in consultation with the  
7 department, the State Library Research Bureau, a child  
8 support advocate group, and the California Family  
9 Support Council.

10 *SEC. 8.* Section 15200.91 is added to the Welfare and  
11 Institutions Code, to read:

12 15200.91. (a) The Office of the Legislative Analyst, in  
13 consultation and collaboration with interested groups,  
14 including, but not limited to, the department, the county  
15 district attorneys, the Attorney General, the Bureau of  
16 State Audits, and interested advocacy organizations, shall  
17 prepare a performance-based incentive program, using a  
18 flat rate, for the 1998-99 fiscal year and that, for  
19 subsequent fiscal years, shall mirror the federal incentive  
20 plan. If the federal incentive plan has not been finalized,  
21 the state incentive program created pursuant to this  
22 section shall follow the latest draft federal incentive plan  
23 available. The performance-based incentive program  
24 shall do all of the following:

25 (1) Require all counties electing to participate in the  
26 incentive program to be in compliance with federal and  
27 state child support laws and regulations.

28 (2) Include at least all of the following measurements  
29 as performance measurements:

30 (A) Current support collected as a percentage of  
31 current support owed.

32 (B) Child support arrears collected as a percentage of  
33 child support arrears owed.

34 (C) Paternities established by each county's child  
35 support program as a percentage of paternities needing  
36 to be established by each county's child support program.

37 (D) Support orders established as a percentage of  
38 support orders needing to be established.

39 (E) Cost-effectiveness.



1 (3) Adjust performance data to correct any reporting  
2 errors and ensure that the performance incentive  
3 rewards actual results, and not just statistical variances.

4 (4) Require poorly performing counties to agree to  
5 technical assistance as a condition of receiving any state  
6 incentives payments.

7 (5) Require the department to review a statistically  
8 valid sample of underlying county performance data in all  
9 required categories to assure accuracy and comparability  
10 of the data.

11 (6) Develop a method to measure the number of  
12 children in the child support program who are covered  
13 by a private medical support policy, who are receiving  
14 Medi-Cal, and children who are uninsured.

15 (b) The Office of the Legislative Analyst shall issue a  
16 report to the Legislature by March 1, 1998.

17 (c) It is the intent of the Legislature that the revised  
18 performance-based child support incentive program be  
19 included in the Budget Act of 1998 and that it be effective  
20 in fiscal year 1998–99 and subsequent fiscal years. It is the  
21 intent of the Legislature that enactment of the revised  
22 performance-based child support incentive program be  
23 contingent upon enactment of the Budget Act of 1998 and  
24 that the payment of the state child support incentives be  
25 subject to the budget. It is the intent of the Legislature  
26 that total state child support funding under the revised  
27 performance-based child support incentive program  
28 designed pursuant to this section be no lower than the  
29 total state child support incentive funding for any  
30 previous fiscal year.

31 ~~SEC. 5.—~~

32 *SEC. 9.* Section 15200.92 is added to the Welfare and  
33 Institutions Code, to read:

34 15200.92. (a) This section shall apply to any county  
35 that elects to participate in the state incentive program  
36 described in Section ~~15200.8~~ 15200.81.

37 (b) Each participating county child support  
38 enforcement program shall provide the data required by  
39 Section 11475.8 to the State Department of Social Services



1 on a quarterly basis. The data shall be provided no later  
2 than 30 days after the end of each quarter.

3 (c) On and after July 1, 1998, a county shall be required  
4 to comply with the provisions of this section only during  
5 fiscal years in which funding is provided for that purpose  
6 in the Budget Act.

7 ~~SEC. 6. Section 15200.95 of the Welfare and~~  
8 ~~Institutions Code, as amended by Section 49 of Assembly~~  
9 ~~Bill 1153 of the 1997-98 Regular Session, is amended to~~  
10 ~~read:~~

11 ~~15200.95. (a) Each county shall be responsible for its~~  
12 ~~nonfederal share of administrative expenditures for~~  
13 ~~administering the child support program.~~

14 ~~(b) Notwithstanding subdivision (a), effective July 1,~~  
15 ~~1991, to June 30, 1992, inclusive, counties shall pay the~~  
16 ~~nonfederal share of the administrative costs of~~  
17 ~~conducting the reviews required under Section 15200.8~~  
18 ~~from the savings counties will obtain as a result of the~~  
19 ~~reduction in the maximum aid payments specified in~~  
20 ~~Section 11450. Effective July 1, 1992, to June 30, 1993,~~  
21 ~~inclusive, the state shall pay the nonfederal share of~~  
22 ~~administrative costs of conducting the reviews required~~  
23 ~~under Section 15200.8. Funding for county costs after~~  
24 ~~June 30, 1993, shall be subject to the availability of funds~~  
25 ~~in the annual Budget Act.~~

26 ~~(c) In the event that the federal government does not~~  
27 ~~provide the funding for federal financial participation in~~  
28 ~~administrative costs of the child support program at the~~  
29 ~~scheduled rates of 66 percent for regular federal financial~~  
30 ~~participation and the enhanced rates as specified in~~  
31 ~~federal law as of July 1, 1997, for federal financial~~  
32 ~~participation, the department shall increase the incentive~~  
33 ~~rate authorized under Section 15200.1 to supplant the~~  
34 ~~dollar reduction to federal financial participation.~~

35 ~~(1) This increase shall be based on the difference~~  
36 ~~between the estimated dollar reimbursement resulting~~  
37 ~~from the scheduled federal financial participation and~~  
38 ~~the estimated dollar reimbursement resulting from the~~  
39 ~~reduced federal financial participation rates. This~~  
40 ~~increase to the base incentive rate, when applied to~~



1 ~~estimated total collections for the state fiscal year, shall~~  
2 ~~approximately equal the federal reduction.~~

3 ~~(2) This increase shall be determined annually, and~~  
4 ~~shall apply to total distributed collections as defined in~~  
5 ~~paragraph (1) of subdivision (a) of Section 15200.1.~~

6 ~~(3) In no event shall the increased incentive rate~~  
7 ~~exceed 4 percent in any fiscal year.~~

8 ~~(4) This increase to the incentive rate shall apply to~~  
9 ~~the period of time in which the federal financial~~  
10 ~~participation rate in administrative expenditures is~~  
11 ~~reduced.~~

12 ~~(d) Notwithstanding subdivision (a), and to the extent~~  
13 ~~SEC. 10. Section 15200.96 is added to the Welfare and~~  
14 ~~Institutions Code, to read:~~

15 *15200.96. Notwithstanding subdivision (a) of Section*  
16 *15200.95, and to the extent funds are appropriated by the*  
17 *annual Budget Act, funds shall be provided to the Judicial*  
18 *Council for the nonfederal share of costs for the costs of*  
19 *child support commissioners pursuant to Section 4251 of*  
20 *the Family Code and family law facilitators pursuant to*  
21 *Division 14 (commencing with Section 10000) of the*  
22 *Family Code. The Judicial Council shall distribute the*  
23 *funds to the counties for the purpose of matching federal*  
24 *funds for the costs of child support commissioners and*  
25 *family law facilitators and related costs. Funds distributed*  
26 *pursuant to this ~~subdivision~~ section may also be used to*  
27 *offset the nonfederal share of costs incurred by the*  
28 *Judicial Council for performing the duties specified in*  
29 *Sections 4252 and 10010 of the Family Code.*

