

AMENDED IN SENATE JUNE 20, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1743

**Introduced by Committee on Judiciary (Jones (Chair), Evans,
Laird, Levine, Lieber, and Montanez)**

March 2, 2005

An act to amend Section 17552 of the Family Code, relating to child support.

LEGISLATIVE COUNSEL'S DIGEST

AB 1743, as amended, Committee on Judiciary. Child support.

(1) Existing law requires the State Department of Social Services, in consultation with the Department of Child Support Services, to promulgate regulations by which the county child welfare department shall determine whether it is in the best interests of the child to have the case referred to the local child support agency for child support services, in cases that result in foster care assistance payments, as specified.

This bill would expand this program to include cases involving CalWORKs payments to a caretaker relative, *as specified*, Kin-GAP payments, and other specified aid, thereby imposing a state-mandated local program by expanding the duties of county child welfare departments.

(2) Existing law also requires the county child welfare department, pursuant to department regulation, to review determinations that it is not in a child's best interest to have his or her case referred to the local child support agency following each court hearing.

This bill would instead require the county child welfare department to make these reviews annually, as specified.

(3) 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.

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. Section 17552 of the Family Code is amended
2 to read:

3 17552. (a) The State Department of Social Services, in
4 consultation with the Department of Child Support Services,
5 shall promulgate regulations by which the county child welfare
6 department, in any case of separation or desertion of a parent or
7 parents from a child that results in foster care assistance
8 payments under Section 11400 of, or CalWORKs payments to a
9 caretaker *relative of a child who comes within the jurisdiction of*
10 *the juvenile court under Section 300 of the Welfare and*
11 *Institutions Code, who has been removed from the parental home*
12 *and placed with the caretaker relative by court order, and who is*
13 *under the supervision of the county child welfare agency under*
14 Section 11250 of, or Kin-GAP payments under Section 11363 of,
15 or aid under subdivision (c) of Section 10101 of, the Welfare and
16 Institutions Code, shall determine whether it is in the best
17 interests of the child to have the case referred to the local child
18 support agency for child support services. If reunification
19 services are not offered or are terminated, the case may be
20 referred to the local child support agency. In making the
21 determination, the department regulations shall provide the
22 factors the county child welfare department shall consider,
23 including:

24 (1) Whether the payment of support by the parent will pose a
25 barrier to the proposed reunification, in that the payment of
26 support will compromise the parent’s ability to meet the
27 requirements of the parent’s reunification plan.

1 (2) Whether the payment of support by the parent will pose a
2 barrier to the proposed reunification in that the payment of
3 support will compromise the parent's current or future ability to
4 meet the financial needs of the child.

5 (b) The department regulations shall provide that, where the
6 county child welfare department determines that it is not in the
7 best interests of the child to seek a support order against the
8 parent, the county child welfare department shall refrain from
9 referring the case to the local child support agency. The
10 regulations shall define those circumstances in which it is not in
11 the best interest of the child to refer the case to the local child
12 support agency.

13 (c) The department regulations shall provide, where the county
14 child welfare department determines that it is not in the child's
15 best interest to have his or her case referred to the local child
16 support agency, the county child welfare department shall review
17 that determination annually to coincide with the redetermination
18 of AFDC-FC eligibility under Section 11401.5 of, or the
19 CalWORKs eligibility under Section 11265 of, the Welfare and
20 Institutions Code, and shall refer the child's case to the local
21 child support agency upon a determination that, due to a change
22 in the child's circumstances, it is no longer contrary to the child's
23 best interests to have his or her case referred to the local child
24 support agency.

25 (d) The State Department of Social Services shall promulgate
26 all necessary regulations pursuant to this section on or before
27 October 1, 2002.

28 SEC. 2. If the Commission on State Mandates determines that
29 this act contains costs mandated by the state, reimbursement to
30 local agencies and school districts for those costs shall be made
31 pursuant to Part 7 (commencing with Section 17500) of Division
32 4 of Title 2 of the Government Code.