

## DCSS Presents

20<sup>th</sup> Annual AB 1058 Child Support  
Training Conference  
August 29-September 1, 2016

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## Speakers

- Kristen Erickson-Donadee, Assistant Chief Counsel, Intergovernmental Services
- Lara Chandler, Attorney, Legal Services
- Mary Ann Miller, Assistant Director for Executive Programs
- Michael Yahner, Chief, Policy & Program Branch

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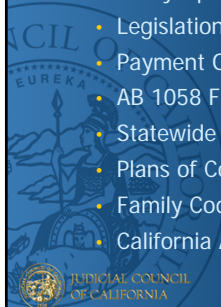
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## Agenda

- Policy Updates
- Legislation of Note
- Payment Options
- AB 1058 Funding Allocation Workgroup
- Statewide Attorney Forum
- Plans of Cooperation
- Family Code § 4009
- California Aid Codes and Updates

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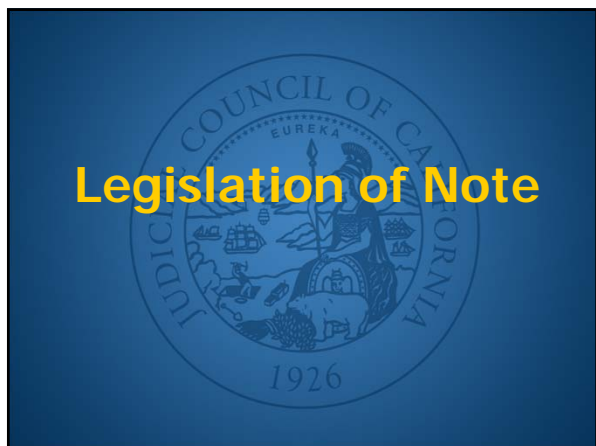
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## Legislative Updates

- SB 917 Court Orders
- SB 585 Insurance Intercept
- AB 1437 and AB 2863 Internet Gambling
- AB 2882 Family Law Omnibus



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## Child Support Payment Options



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## Who Are We Serving?

- 2013 FDIC National Study
  - 7.7% unbanked
  - 20% underbanked



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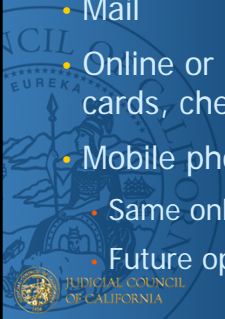
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## Payment Options

- Mail
- Online or by phone—credit/debit cards, checking/savings accounts
- Mobile phone (CAChildSup)
  - Same online options
  - Future options



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## Payment Options

- Cash
  - Local Child Support Agencies
    - \$60,000,000 collected in FFY 2016
  - MoneyGram
    - 6200 CA retail locations
    - Implemented July 2014
    - \$1.99 fee



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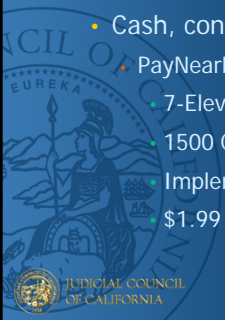
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## Payment Options

- Cash, cont.
  - PayNearMe
    - 7-Eleven, Family Dollar, Ace Express
    - 1500 CA locations
    - Implemented August 2015
    - \$1.99 fee



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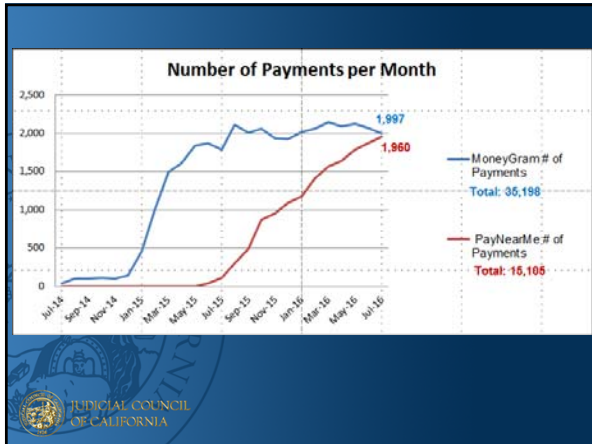
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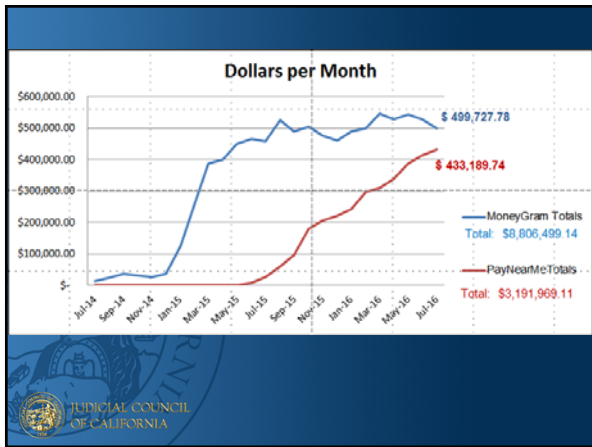
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## Future Payment Options

- Kiosks
- State-wide contract--TouchPay
- Cash, credit/debit cards, checks
- \$1.80 transaction fee; \$100 M & O monthly cost per kiosk

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## Future Payment Options



- Kiosks, cont.
- Payments guaranteed
- Begin roll-out Fall 2016
- Available to partner agencies and courts

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## Future Payment Options



- Partner Agencies
- Things to consider
  - Hours of operation
  - Power
  - Space (2' x 2')

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## Future Payment Options



- Partner Agencies, cont.
- Negotiate own terms with TouchPay
- Child support implementation first priority

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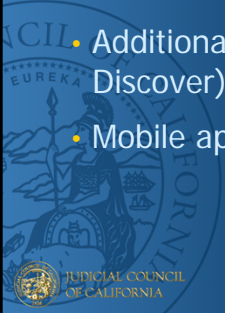
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### Future Payment Options

- Additional credit cards (AMEXP, Discover) accepted on-line
- Mobile app



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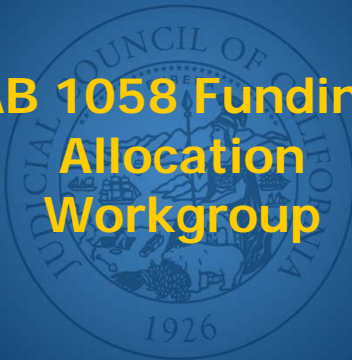
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### AB 1058 Funding Allocation Workgroup



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### DCSS Involvement

- Director, Alisha Griffin, participating upon request
- DCSS providing updates on our own Budget Allocation efforts, to educate Judicial Council Workgroup
- DCSS has offered to provide data as available
- Working with Commissioner SME group



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# Statewide Attorney Forum



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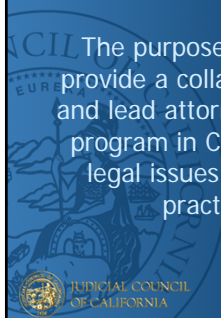
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## DCSS Statewide Attorney Forum

The purpose of the attorney forum is to provide a collaborative forum for managing and lead attorneys in the IV-D child support program in California to discuss emerging legal issues that impact local and state practices and procedures.



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## DCSS Statewide Attorney Forum

- Chief/lead attorneys, directors
- First meetings 3/10/16 and 3/11/16
- Regional forum July 2016
- Southern meeting November 2016



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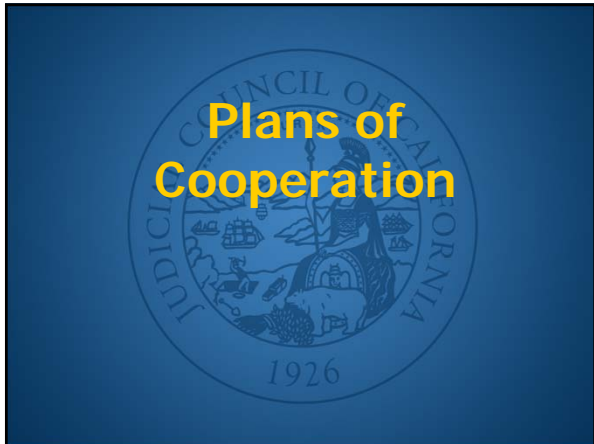
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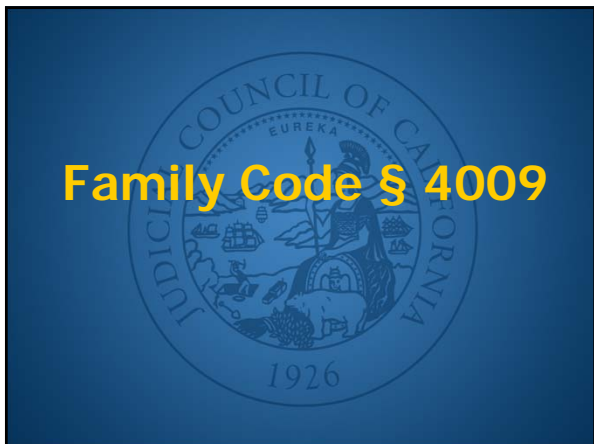
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## Family Code § 4009

- An original order for child support may be made retroactive to the date of filing the petition, complaint, or other initial pleading. If the parent ordered to pay support was not served with the petition, complaint, or other initial pleading within 90 days after filing and the court finds that the parent was not intentionally evading service, the child support order shall be effective no earlier than the date of service.



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## IV-D Default Process

- Family Code § 17400(d)(2)
  - Complaint form contains notice that the proposed judgment will become effective upon failure to file Answer with court within 30 days of service
- Family Code § 17430(a) & (b)
  - Notwithstanding any other law, judgment that conforms to proposed judgment shall be entered without hearing, the presentation of evidence, or further notice to defendant



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## Discussion of Issue

- DCSS is informed that some courts may be altering default judgments where service took place >90 days after filing
- Query data: Time from S&C filing → service
  - Goal: Review current statistics – how long does it take to serve?
  - Goal: If there is a lag, why?
  - Goal: Review policy and legislative history of FC § 4009 to determine which party bears the burden of proving either non-evasion or evasion



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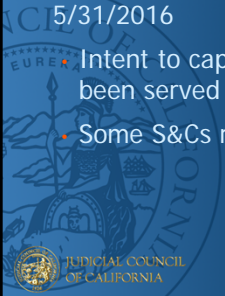
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## Query Results

- Data set: All S&Cs filed 6/1/2013 – 5/31/2016
- Intent to capture any S&C that could have been served within past 3 years
- Some S&Cs remain eligible for service




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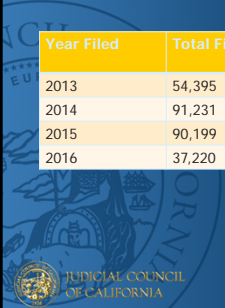
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## Query Results: Successfully Served

Year Filed	Total Filed	Successfully Served	Percentage Served
2013	54,395	43,970	80.83%
2014	91,231	73,553	80.62%
2015	90,199	70,242	77.87%
2016	37,220	18,124	48.69%




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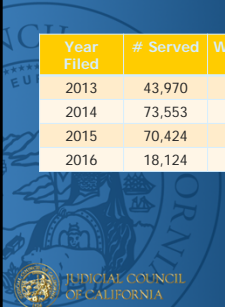
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## Query Results: Time to Service

Year Filed	# Served	Within 90 Days	% Within 90 Days	>90 Days	% >90 Days
2013	43,970	34,088	77.53%	9,882	22.47%
2014	73,553	57,649	78.38%	15,904	21.62%
2015	70,424	53,913	85.30%	10,329	14.70%
2016	18,124	17,762	98.00%	362	2%




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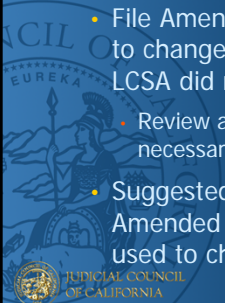
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### FC § 4009 Solutions

- File Amended Summons & Complaint to change commencement date, where LCSA did not have good locate
- Review and improve locate process, if necessary
- Suggested legal change, to permit Amended Proposed Judgment to be used to change commencement date



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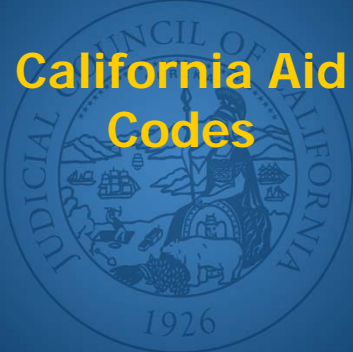
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### California Aid Codes



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### Child Support Caseload

- Over 12% of all Americans live in California

	FFY 2014	FFY 2015
• US	318,907,401	321,418,820
• CA	38,792,291	39,144,818
	12%	12%



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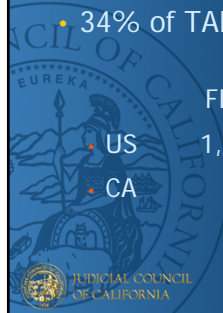
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## Child Support Caseload

- 34% of TANF families reside here



	FFY 2014	FFY 2015
• US	1,520,894	1,333,858
• CA	537,583	448,134
	35%	34%




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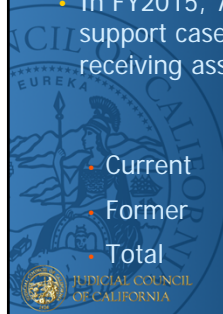
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## Child Support Caseload

- In FY2015, 78% of California's child support caseload had received or were receiving assistance



	FFY 2014	FFY 2015
• Current	350,378	327,808
• Former	623,958	634,207
• Total	1,257,376	1,237,737




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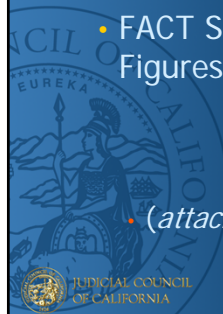
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## CalWORKs

- FACT SHEET – Key Facts & Figures



• *(attachment)*




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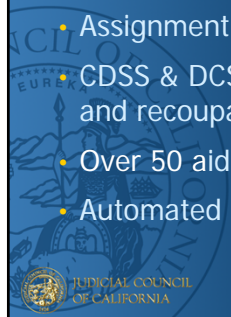
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## Referrals

- Assignment of rights
- CDSS & DCSS determine if referable and recoupable
- Over 50 aid codes (*attachment*)
- Automated - three IV-A systems



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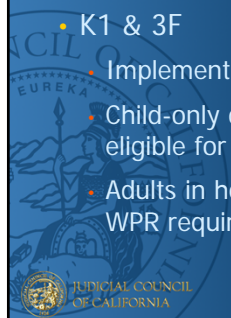
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## Unique Aid Codes

- K1 & 3F
- Implemented 10/1/2013
- Child-only cases: at least 1 child is eligible for CalWORKS
- Adults in home are unable to meet WPR requirements



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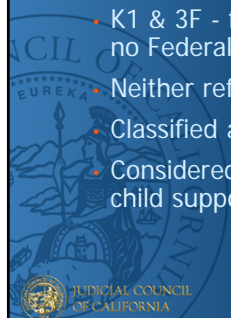
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## Unique Aid Codes cont.

- K1 & 3F - fully state funded program no Federal TANF money is included
- Neither referable nor recoupable
- Classified as "assisted" by IV-A
- Considered "formerly assisted" for child support distribution



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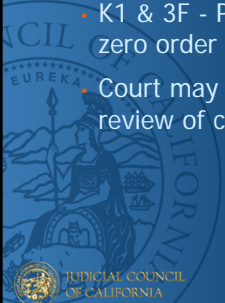
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### Unique Aid Codes cont.

- K1 & 3F - Parties cannot stipulate to zero order
- Court may deviate with appropriate review of circumstances



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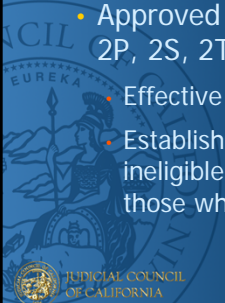
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### Unique Aid Codes cont.

- Approved Relative Caregiver 2P, 2S, 2T
- Effective 1/1/2015
- Establish equity – Caregivers ineligible for AFDC-FC equal to those who are eligible



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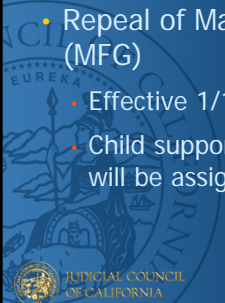
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### Unique Aid Codes cont.

- Repeal of Maximum Family Grant (MFG)
- Effective 1/1/2017
- Child support received for former MFG will be assigned to state



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