

AMENDED IN SENATE AUGUST 21, 2002
AMENDED IN SENATE AUGUST 12, 2002
AMENDED IN SENATE AUGUST 5, 2002
AMENDED IN SENATE JUNE 27, 2002
AMENDED IN ASSEMBLY MAY 2, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 3032

**Introduced by Committee on Judiciary (Corbett (Chair), Dutra,
Jackson, Longville, Shelley, Steinberg, and Wayne)**

March 12, 2002

An act to amend Sections 394 and 697.320 of the Code of Civil Procedure, to amend Sections 3766, 4054, 4506, ~~5282~~, 7575, 17306, 17400, 17422, 17430, 17432, 17526, 17600, 17602, 17704, and 17801 of, and to repeal Section 17700 of, the Family Code, to amend Section 11165.7 of the Penal Code, and to amend Section 11476.2 of the Welfare and Institutions Code, relating to child support.

LEGISLATIVE COUNSEL'S DIGEST

AB 3032, as amended, Committee on Judiciary. Child support enforcement.

Existing law requires each county to maintain a local child support agency for the purpose of establishing, modifying, and enforcing child support obligations. Existing law requires a local child support agency to obtain and send a completed state medical insurance form to the Department of Child Support Services in any action brought or

proceeding instituted by the agency for the payment of child or spousal support. The local agency must also communicate with the Department of Child Support Services to determine whether there have been any lapses in health insurance coverage for public assistance applicants and recipients. *Existing law also provides for state hearings for custodial or noncustodial parents who are dissatisfied with the local child support agency's resolution of a complaint, as specified.*

Existing law also requires the Department of Child Support Services to collect information regarding child support enforcement and to report that information to the Legislature, as specified.

~~Existing law also requires an employer to notify a support obligee that an obligor has left employment with that employer, as specified.~~

This bill would authorize an agency enforcing a support obligation to record a notice of support judgment. ~~The bill would require an employer to notify an obligee that an obligor has begun receiving specified benefits in lieu of wages while still employed.~~ The bill would require a local child support agency to send the completed state medical insurance forms described above to, and, in order to determine whether there have been health insurance lapses, to communicate with, the State Department of Health Services, rather than the Department of Child Support Services. The bill would require a local child support agency to provide to a CalWORKs recipient or former recipient as to whom an assignment of his or her support rights is currently effective a notice of the amount of assigned support payments made on behalf of that recipient or former recipient or any other family member for whom public assistance is received. The bill would require a local child support agency to complete an administrative review of alleged arrearages within a specified timeframe. *The bill would revise provisions governing the procedures for the conduct of state hearings for parents who are dissatisfied with the local child support agency's resolution of a complaint.* The bill would revise the reporting requirements imposed on the Department of Child Support Services, as specified. The bill would also make technical and clarifying changes. By imposing additional duties on local agencies, the bill would create 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. Section 394 of the Code of Civil Procedure is
2 amended to read:
3 394. (a) An action or proceeding against a county, or city and
4 county, a city, or local agency, may be tried in the county, or city
5 and county, or the county in which the city or local agency is
6 situated, unless the action or proceeding is brought by a county, or
7 city and county, a city, or local agency, in which case it may be tried
8 in any county, or city and county, not a party thereto and in which
9 the city or local agency is not situated. Except for actions initiated
10 by the local child support agency pursuant to Section 17400,
11 17402, 17404, or 17416 of the Family Code, any action or
12 proceeding brought by a county, city and county, city, or local
13 agency within a certain county, or city and county, against a
14 resident of another county, city and county, or city, or a corporation
15 doing business in the latter, shall be, on motion of either party,
16 transferred for trial to a county, or city and county, other than the
17 plaintiff, if the plaintiff is a county, or city and county, and other
18 than that in which the plaintiff is situated, if the plaintiff is a city,
19 or a local agency, and other than that in which the defendant
20 resides, or is doing business, or is situated. Whenever an action or
21 proceeding is brought against a county, city and county, city, or
22 local agency, in any county, or city and county, other than the
23 defendant, if the defendant is a county, or city and county, or, if the
24 defendant is a city, or local agency, other than that in which the
25 defendant is situated, the action or proceeding must be, on motion
26 of that defendant, transferred for trial to a county, or city and
27 county, other than that in which the plaintiff, or any of the
28 plaintiffs, resides, or is doing business, or is situated, and other
29 than the plaintiff county, or city and county, or county in which that



1 plaintiff city or local agency is situated, and other than the
2 defendant county, or city and county, or county in which the
3 defendant city or local agency is situated; provided, however, that
4 any action or proceeding against the city, county, city and county,
5 or local agency for injury occurring within the city, county, or city
6 and county, or within the county in which the local agency is
7 situated, to person or property or person and property caused by
8 the negligence or alleged negligence of the city, county, city and
9 county, local agency, or its agents or employees, shall be tried in
10 that county, or city and county, or if a city is a defendant, in the city
11 or in the county in which the city is situated, or if a local agency
12 is a defendant, in the county in which the local agency is situated.
13 In that action or proceeding, the parties thereto may, by stipulation
14 in writing, or made in open court, and entered in the minutes, agree
15 upon any county, or city and county, for the place of trial thereof.
16 When the action or proceeding is one in which a jury is not of right,
17 or in case a jury is waived, then in lieu of transferring the cause,
18 the court in the original county may request the chairperson of the
19 Judicial Council to assign a disinterested judge from a neutral
20 county to hear that cause and all proceedings in connection
21 therewith. When the action or proceeding is transferred to another
22 county for trial, a witness required to respond to a subpoena for a
23 hearing within the original county shall be compelled to attend
24 hearings in the county to which the cause is transferred. If the
25 demand for transfer is made by one party and the opposing party
26 does not consent thereto, the additional costs of the nonconsenting
27 party occasioned by the transfer of the cause, including living and
28 traveling expenses of the nonconsenting party and material
29 witnesses, found by the court to be material, and called by the
30 nonconsenting party, not to exceed five dollars (\$5) per day each
31 in excess of witness fees and mileage otherwise allowed by law,
32 shall be assessed by the court hearing the cause against the party
33 requesting the transfer. To the extent of that excess, those costs
34 shall be awarded to the nonconsenting party regardless of the
35 outcome of the trial. This section shall apply to actions or
36 proceedings now pending or hereafter brought.

37 (b) For the purposes of this section, “local agency” shall mean
38 any governmental district, board, or agency, or any other local
39 governmental body or corporation, but shall not include the State



1 of California or any of its agencies, departments, commissions, or
2 boards.

3 SEC. 1.5. Section 697.320 of the Code of Civil Procedure is
4 amended to read:

5 697.320. (a) A judgment lien on real property is created
6 under this section by recording an abstract, a notice of support
7 judgment, an interstate lien form promulgated by the federal
8 Secretary of Health and Human Services pursuant to Section
9 652(a)(11) of Title 42 of the United States Code, or a certified copy
10 of either of the following money judgments with the county
11 recorder:

12 (1) A judgment for child, family, or spousal support payable in
13 installments.

14 (2) A judgment entered pursuant to Section 667.7 (judgment
15 against health care provider requiring periodic payments).

16 (b) Unless the money judgment is satisfied or the judgment lien
17 is released, a judgment lien created under paragraph (1) of
18 subdivision (a) or by recording an interstate lien form, as described
19 in subdivision (a), continues during the period the judgment
20 remains enforceable. Unless the money judgment is satisfied or the
21 judgment lien is released, a judgment lien created under paragraph
22 (2) of subdivision (a) continues for a period of 10 years from the
23 date of its creation. The duration of a judgment lien created under
24 paragraph (2) of subdivision (a) may be extended any number of
25 times by recording, during the time the judgment lien is in
26 existence, a certified copy of the judgment in the manner provided
27 in this section for the initial recording; this rerecording has the
28 effect of extending the duration of the judgment lien created under
29 paragraph (2) of subdivision (a) until 10 years from the date of the
30 rerecording.

31 SEC. 2. Section 3766 of the Family Code is amended to read:

32 3766. (a) The employer, or other person providing health
33 insurance, shall take steps to commence coverage, consistent with
34 the order for the health insurance coverage assignment, within 30
35 days after service of the assignment order upon the obligor under
36 Section 3764 unless the employer or other person providing health
37 insurance coverage receives an order issued pursuant to Section
38 3765 to quash the health insurance coverage assignment. The
39 employer, or the person providing health insurance, shall



1 commence coverage at the earliest possible time and, if applicable,
2 consistent with the group plan enrollment rules.

3 (b) If the obligor has made a selection of health coverage prior
4 to the issuance of the court order, the selection shall not be
5 superseded unless the child to be enrolled in the plan will not be
6 provided benefits or coverage where the child resides or the court
7 order specifically directs other health coverage.

8 (c) If the obligor has not enrolled in an available health plan,
9 there is a choice of coverage, and the court has not ordered
10 coverage by a specific plan, the employer or other person
11 providing health insurance shall enroll the child in the plan that
12 will provide reasonable benefits or coverage where the child
13 resides. If that coverage is not available, the employer or other
14 person providing health insurance shall, within 20 days, return the
15 assignment order to the attorney or person initiating the
16 assignment.

17 (d) If an assignment order is served on an employer or other
18 person providing health insurance and no coverage is available for
19 the supported child, the employer or other person shall, within 20
20 days, return the assignment to the attorney or person initiating the
21 assignment.

22 SEC. 2.5. Section 4054 of the Family Code is amended to
23 read:

24 4054. (a) The Judicial Council shall periodically review the
25 statewide uniform guideline to recommend to the Legislature
26 appropriate revisions.

27 (b) The review shall include economic data on the cost of
28 raising children and analysis of case data, gathered through
29 sampling or other methods, on the actual application of the
30 guideline after the guideline's operative date. The review shall also
31 include an analysis of guidelines and studies from other states, and
32 other research and studies available to or undertaken by the
33 Judicial Council.

34 (c) Any recommendations for revisions to the guideline shall
35 be made to ensure that the guideline results in appropriate child
36 support orders, to limit deviations from the guideline, or otherwise
37 to help ensure that the guideline is in compliance with federal law.

38 (d) The Judicial Council may also review and report on other
39 matters, including, but not limited to, the following:



1 (1) The treatment of the income of a subsequent spouse or
2 nonmarital partner.

3 (2) The treatment of children from prior or subsequent
4 relationships.

5 (3) The application of the guideline in a case where a payer
6 parent has extraordinarily low or extraordinarily high income, or
7 where each parent has primary physical custody of one or more of
8 the children of the marriage.

9 (4) The benefits and limitations of a uniform statewide spousal
10 support guideline and the interrelationship of that guideline with
11 the state child support guideline.

12 (5) Whether the use of gross or net income in the guideline is
13 preferable.

14 (6) Whether the guideline affects child custody litigation or the
15 efficiency of the judicial process.

16 (7) Whether the various assumptions used in computer
17 software used by some courts to calculate child support comport
18 with state law and should be made available to parties and counsel.

19 (e) The initial review by the Judicial Council shall be submitted
20 to the Legislature and to the Department of Child Support Services
21 on or before December 31, 1993, and subsequent reviews shall
22 occur at least every four years thereafter unless federal law
23 requires a different interval.

24 (f) In developing its recommendations, the Judicial Council
25 shall consult with a broad cross-section of groups involved in child
26 support issues, including, but not limited to, the following:

27 (1) Custodial and noncustodial parents.

28 (2) Representatives of established women's rights and fathers'
29 rights groups.

30 (3) Representatives of established organizations that advocate
31 for the economic well-being of children.

32 (4) Members of the judiciary, district attorney's offices, the
33 Attorney General's office, and the Department of Child Support
34 Services.

35 (5) Certified family law specialists.

36 (6) Academicians specializing in family law.

37 (7) Persons representing low-income parents.

38 (8) Persons representing recipients of assistance under the
39 CalWORKs program seeking child support services.



1 (g) In developing its recommendations, the Judicial Council
2 shall seek public comment and shall be guided by the legislative
3 intent that children share in the standard of living of both of their
4 parents.

5 SEC. 3. Section 4506 of the Family Code is amended to read:
6 4506. (a) An abstract of a judgment ordering a party to pay
7 spousal, child, or family support to the other party shall be certified
8 by the clerk of the court where the judgment was entered and shall
9 contain all of the following:

10 (1) The title of the court where the judgment is entered and the
11 cause and number of the proceeding.

12 (2) The date of entry of the judgment and of any renewal of the
13 judgment.

14 (3) Where the judgment and any renewals are entered in the
15 records of the court.

16 (4) The name and last known address of the party ordered to
17 pay support.

18 (5) The name and address of the party to whom support
19 payments are ordered to be paid.

20 (6) The social security number, birth date, and driver's license
21 number of the party ~~to whom support payments are to be paid~~ *who*
22 *is ordered to pay support*. If any of those numbers are not known
23 to the party ~~who is ordered to pay support~~ *to whom support*
24 *payments are to be paid*, that fact shall be indicated on the abstract
25 of the court judgment.

26 (7) Whether a stay of enforcement has been ordered by the
27 court and, if so, the date the stay ends.

28 (8) The date of issuance of the abstract.

29 (9) Any other information deemed reasonable and appropriate
30 by the Judicial Council.

31 (b) The Judicial Council may develop a form for an abstract of
32 a judgment ordering a party to pay child, family, or spousal support
33 to another party which contains the information required by
34 subdivision (a).

35 (c) Notwithstanding any other provision of law, when a support
36 obligation is being enforced pursuant to Title IV-D of the Social
37 Security Act, the agency enforcing the obligation may record a
38 notice of support judgment. The notice of support judgment shall
39 contain the same information as the form adopted by the Judicial
40 Council pursuant to subdivision (b) and Section 4506.1. The



1 notice of support judgment shall have the same force and effect as
2 an abstract of judgment certified by the clerk of the court where the
3 judgment was entered. The local child support agency or other
4 Title IV-D agency shall not be subject to any civil liability as a
5 consequence of causing a notice of support judgment to be
6 recorded.

7 (d) As used in this section, “judgment” includes an order for
8 child, family, or spousal support.

9 ~~SEC. 3.1. Section 5282 of the Family Code is amended to~~
10 ~~read:~~

11 ~~5282. After the obligor has left employment with the~~
12 ~~employer, or after the obligor, while still employed, has begun~~
13 ~~receiving disability, worker’s compensation, or other benefits in~~
14 ~~lieu of wages, the employer, at the time the next payment is due on~~
15 ~~the assignment order, shall notify the obligee designated in the~~
16 ~~assignment order by first-class mail, postage prepaid, to the last~~
17 ~~known address of the obligee that the obligor has left employment,~~
18 ~~or is receiving other benefits, and the source of those benefits.~~

19 SEC. 3.3. Section 7575 of the Family Code is amended to
20 read:

21 7575. (a) Either parent may rescind the voluntary declaration
22 of paternity by filing a rescission form with the Department of
23 Child Support Services within 60 days of the date of execution of
24 the declaration by the attesting father or attesting mother,
25 whichever signature is later, unless a court order for custody,
26 visitation, or child support has been entered in an action in which
27 the signatory seeking to rescind was a party. The Department of
28 Child Support Services shall develop a form to be used by parents
29 to rescind the declaration of paternity and instruction on how to
30 complete and file the rescission with the Department of Child
31 Support Services. The form shall include a declaration under
32 penalty of perjury completed by the person filing the rescission
33 form that certifies that a copy of the rescission form was sent by
34 any form of mail requiring a return receipt to the other person who
35 signed the voluntary declaration of paternity. A copy of the return
36 receipt shall be attached to the rescission form when filed with the
37 Department of Child Support Services. The form and instructions
38 shall be written in simple, easy to understand language and shall
39 be made available at the local family support office and the office
40 of local registrar of births and deaths. The department shall, upon



1 written request, provide to a court or commissioner a copy of any
2 rescission form filed with the department that is relevant to
3 proceedings before the court or commissioner.

4 (b) (1) Notwithstanding Section 7573, if the court finds that
5 the conclusions of all of the experts based upon the results of the
6 genetic tests performed pursuant to Chapter 2 (commencing with
7 Section 7550) are that the man who signed the voluntary
8 declaration is not the father of the child, the court may set aside the
9 voluntary declaration of paternity.

10 (2) (A) The notice of motion for genetic tests under this
11 section may be filed not later than two years from the date of the
12 child's birth by a local child support agency, the mother, the man
13 who signed the voluntary declaration as the child's father, or in an
14 action to determine the existence or nonexistence of the father and
15 child relationship pursuant to Section 7630 or in any action to
16 establish an order for child custody, visitation, or child support
17 based upon the voluntary declaration of paternity.

18 (B) The local child support agency's authority under this
19 subdivision is limited to those circumstances where there is a
20 conflict between a voluntary acknowledgement of paternity and a
21 judgment of paternity or a conflict between two or more voluntary
22 acknowledgments of paternity.

23 (3) The notice of motion for genetic tests pursuant to this
24 section shall be supported by a declaration under oath submitted
25 by the moving party stating the factual basis for putting the issue
26 of paternity before the court.

27 (c) (1) Nothing in this chapter shall be construed to prejudice
28 or bar the rights of either parent to file an action or motion to set
29 aside the voluntary declaration of paternity on any of the grounds
30 described in, and within the time limits specified in, Section 473
31 of the Code of Civil Procedure. If the action or motion to set aside
32 a judgment is required to be filed within a specified time period
33 under Section 473 of the Code of Civil Procedure, the period
34 within which the action or motion to set aside the voluntary
35 declaration of paternity must be filed shall commence on the date
36 that the court makes an initial order for custody, visitation, or child
37 support based upon a voluntary declaration of paternity.

38 (2) The parent or local child support agency seeking to set aside
39 the voluntary declaration of paternity shall have the burden of
40 proof.



1 (3) Any order for custody, visitation, or child support shall
2 remain in effect until the court determines that the voluntary
3 declaration of paternity should be set aside, subject to the court's
4 power to modify the orders as otherwise provided by law.

5 (4) Nothing in this section is intended to restrict a court from
6 acting as a court of equity.

7 (5) If the voluntary declaration of paternity is set aside pursuant
8 to paragraph (1), the court shall order that the mother, child, and
9 alleged father submit to genetic tests pursuant to Chapter 2
10 (commencing with Section 7550). If the court finds that the
11 conclusions of all the experts, as disclosed by the evidence based
12 upon the genetic tests, are that the person who executed the
13 voluntary declaration of paternity is not the father of the child, the
14 question of paternity shall be resolved accordingly. If the person
15 who executed the declaration as the father of the child is not
16 excluded as a possible father, the question of paternity shall be
17 resolved as otherwise provided by law. If the person who executed
18 the declaration of paternity is ultimately determined to be the
19 father of the child, any child support that accrued under an order
20 based upon the voluntary declaration of paternity shall remain due
21 and owing.

22 (6) The Judicial Council shall develop the forms and
23 procedures necessary to effectuate this subdivision.

24 SEC. 3.5. Section 17306 of the Family Code is amended to
25 read:

26 17306. (a) The Legislature finds and declares all of the
27 following:

28 (1) While the State Department of Social Services has had
29 statutory authority over the child support system, the locally
30 elected district attorneys have operated their county programs with
31 a great deal of autonomy.

32 (2) District attorneys have operated the child support programs
33 with different forms, procedures and priorities, making it difficult
34 to adequately evaluate and modify performance statewide.

35 (3) Problems collecting child support reflect a fundamental
36 lack of leadership and accountability in the collection program.
37 These management problems have cost California taxpayers and
38 families billions of dollars.



1 (b) The director shall develop uniform forms, policies and
2 procedures to be employed statewide by all local child support
3 agencies. Pursuant to this subdivision, the director shall:

4 (1) Adopt uniform procedures and forms.

5 (2) Establish standard caseworker to case staffing ratios,
6 adjusted as appropriate to meet the varying needs of local
7 programs.

8 (3) Establish standard attorney to caseworker ratios, adjusted
9 as appropriate to meet the varying needs of local programs.

10 (4) Institute a consistent statewide policy on the
11 appropriateness of closing cases to ensure that, without relying
12 solely on federal minimum requirements, all cases are fully and
13 pragmatically pursued for collections prior to closing.

14 (5) Evaluate the best practices for the establishment,
15 enforcement, and collection of child support, for the purpose of
16 determining which practices should be implemented statewide in
17 an effort to improve performance by local child support agencies.
18 In evaluating the best practices, the director shall review existing
19 practices in better performing counties within California, as well
20 as practices implemented by other state Title IV-D programs
21 nationwide.

22 (6) Evaluate the best practices for the management of effective
23 child support enforcement operations for the purpose of
24 determining what management structure should be implemented
25 statewide in an effort to improve the establishment, enforcement,
26 and collection of child support by local child support agencies,
27 including an examination of the need for attorneys in management
28 level positions. In evaluating the best practices, the director shall
29 review existing practices in better performing counties within
30 California, as well as practices implemented by other state Title
31 IV-D programs nationwide.

32 (7) Set priorities for the use of specific enforcement
33 mechanisms for use by both the local child support agency and the
34 Franchise Tax Board. As part of establishing these priorities, the
35 director shall set forth caseload processing priorities to target
36 enforcement efforts and services in a way that will maximize
37 collections and avoid welfare dependency.

38 (8) Develop uniform training protocols, require periodic
39 training of all child support staff, and conduct training sessions as
40 appropriate.



1 (9) Review and approve annual budgets submitted by the local
2 child support agencies to ensure each local child support agency
3 operates an effective and efficient program that complies with all
4 federal and state laws, regulations, and directives, including the
5 directive to hire sufficient staff.

6 (c) The director shall submit any forms intended for use in
7 court proceedings to the Judicial Council for approval at least six
8 months prior to the implementation of the use of the forms.

9 (d) In adopting the forms, policies, and procedures, the director
10 shall consult with the California Family Support Council, the
11 California State Association of Counties, labor organizations,
12 custodial and noncustodial parent advocates, child support
13 commissioners, family law facilitators, and the appropriate
14 committees of the Legislature.

15 (e) (1) Notwithstanding the provisions of the Administrative
16 Procedure Act, Chapter 3.5 (commencing with Section 11340) of
17 Part 1 of Division 3 of Title 2 of the Government Code, through
18 December 31, 2004, the department may implement the applicable
19 provisions of this division through family support division letters
20 or similar instructions from the director.

21 The department shall adopt regulations implementing the
22 forms, policies, and procedures established pursuant to this section
23 not later than July 1, 2002. The director may delay implementation
24 of any of these regulations in any county for any time as the
25 director deems necessary for the smooth transition and efficient
26 operation of a local child support agency, but implementation shall
27 not be delayed beyond the time at which the transition to the new
28 county department of child support services is completed. The
29 department may adopt regulations to implement this division in
30 accordance with the Administrative Procedure Act. The adoption
31 of any emergency regulation filed with the Office of
32 Administrative Law on or before December 31, 2004, shall be
33 deemed to be an emergency and necessary for the immediate
34 preservation of the public peace, health, and safety or general
35 welfare. These emergency regulations shall remain in effect for no
36 more than 180 days.

37 (2) It is the intent of the Legislature that the amendments to
38 paragraph (1) of this subdivision made by Assembly Bill 3032 of
39 the 2001–02 Regular Session shall be retroactive to June 30, 2002.



1 SEC. 3.7. Section 17400 of the Family Code is amended to
2 read:

3 17400. (a) Each county shall maintain a local child support
4 agency, as specified in Section 17304, that shall have the
5 responsibility for promptly and effectively establishing,
6 modifying, and enforcing child support obligations, including
7 medical support, enforcing spousal support orders established by
8 a court of competent jurisdiction, and determining paternity in the
9 case of a child born out of wedlock. The local child support agency
10 shall take appropriate action, including criminal action in
11 cooperation with the district attorneys, to establish, modify, and
12 enforce child support and, when appropriate, enforce spousal
13 support orders when the child is receiving public assistance,
14 including Medi-Cal, and, when requested, shall take the same
15 actions on behalf of a child who is not receiving public assistance,
16 including Medi-Cal.

17 (b) Notwithstanding Sections 25203 and 26529 of the
18 Government Code, attorneys employed within the local child
19 support agency may direct, control, and prosecute civil actions and
20 proceedings in the name of the county in support of child support
21 activities of the Department of Child Support Services and the
22 local child support agency.

23 (c) Actions brought by the local child support agency to
24 establish paternity or child support or to enforce child support
25 obligations shall be completed within the time limits set forth by
26 federal law. The local child support agency's responsibility applies
27 to spousal support only where the spousal support obligation has
28 been reduced to an order of a court of competent jurisdiction. In
29 any action brought for modification or revocation of an order that
30 is being enforced under Title IV-D of the Social Security Act (42
31 U.S.C. Sec. 651 et seq.), the effective date of the modification or
32 revocation shall be as prescribed by federal law (42 U.S.C. Sec.
33 666(a)(9)), or any subsequent date.

34 (d) (1) The Judicial Council, in consultation with the
35 department and representatives of the California Family Support
36 Council, the Senate Committee on Judiciary, the Assembly
37 Committee on Judiciary, and a legal services organization
38 providing representation on child support matters, shall develop
39 simplified summons, complaint, and answer forms for any action
40 for support brought pursuant to this section or Section 17404. The



1 Judicial Council may combine the summons and complaint in a
2 single form.

3 (2) The simplified complaint form shall provide notice of the
4 amount of child support that is sought pursuant to the guidelines
5 set forth in Article 2 (commencing with Section 4050) of Chapter
6 2 of Part 2 of Division 9 based upon the income or income history
7 of the support obligor as known to the local child support agency.
8 If the support obligor's income or income history is unknown to
9 the local child support agency, the complaint shall inform the
10 support obligor that income shall be presumed in an amount that
11 results in a court order equal to the minimum basic standard of
12 adequate care for Region I provided in Sections 11452 and
13 11452.018 of the Welfare and Institutions Code unless information
14 concerning the support obligor's income is provided to the court.
15 The complaint form shall be accompanied by a proposed
16 judgment. The complaint form shall include a notice to the support
17 obligor that the proposed judgment will become effective if he or
18 she fails to file an answer with the court within 30 days of service.
19 Except as provided in paragraph (2) of subdivision (a) of Section
20 17402, if the proposed judgment is entered by the court, the
21 support order in the proposed judgment shall be effective as of the
22 first day of the month following the filing of the complaint.

23 (3) (A) The simplified answer form shall be written in simple
24 English and shall permit a defendant to answer and raise defenses
25 by checking applicable boxes. The answer form shall include
26 instructions for completion of the form and instructions for proper
27 filing of the answer.

28 (B) The answer form shall be accompanied by a blank income
29 and expense declaration or simplified financial statement and
30 instructions on how to complete the financial forms. The answer
31 form shall direct the defendant to file the completed income and
32 expense declaration or simplified financial statement with the
33 answer, but shall state that the answer will be accepted by a court
34 without the income and expense declaration or simplified financial
35 statement.

36 (C) The clerk of the court shall accept and file answers, income
37 and expense declarations, and simplified financial statements that
38 are completed by hand provided they are legible.

39 (4) (A) The simplified complaint form prepared pursuant to
40 this subdivision shall be used by the local child support agency or



1 the Attorney General in all cases brought under this section or
2 Section 17404.

3 (B) The simplified answer form prepared pursuant to this
4 subdivision shall be served on all defendants with the simplified
5 complaint. Failure to serve the simplified answer form on all
6 defendants shall not invalidate any judgment obtained. However,
7 failure to serve the answer form may be used as evidence in any
8 proceeding under Section 17432 of this code or Section 473 of the
9 Code of Civil Procedure.

10 (C) The Judicial Council shall add language to the
11 governmental summons, for use by the local child support agency
12 with the governmental complaint to establish parental relationship
13 and child support, informing defendants that a blank answer form
14 should have been received with the summons and additional
15 copies may be obtained from either the local child support agency
16 or the superior court clerk.

17 (e) In any action brought or enforcement proceedings instituted
18 by the local child support agency pursuant to this section for
19 payment of child or spousal support, an action to recover an
20 arrearage in support payments may be maintained by the local
21 child support agency at any time within the period otherwise
22 specified for the enforcement of a support judgment,
23 notwithstanding the fact that the child has attained the age of
24 majority.

25 (f) The county shall undertake an outreach program to inform
26 the public that the services described in subdivisions (a) to (c),
27 inclusive, are available to persons not receiving public assistance.
28 There shall be prominently displayed in every public area of every
29 office of the agencies established by this section a notice, in clear
30 and simple language prescribed by the Director of Child Support
31 Services, that the services provided in subdivisions (a) to (c),
32 inclusive, are provided to all individuals, whether or not they are
33 recipients of public assistance.

34 (g) (1) In any action to establish a child support order brought
35 by the local child support agency in the performance of duties
36 under this section, the local child support agency may make a
37 motion for an order effective during the pendency of that action,
38 for the support, maintenance, and education of the child or
39 children that are the subject of the action. This order shall be



1 referred to as an order for temporary support. This order shall have
2 the same force and effect as a like or similar order under this code.

3 (2) The local child support agency shall file a motion for an
4 order for temporary support within the following time limits:

5 (A) If the defendant is the mother, a presumed father under
6 Section 7611, or any father where the child is at least six months
7 old when the defendant files his or her answer, the time limit is 90
8 days after the defendant files an answer.

9 (B) In any other case where the defendant has filed an answer
10 prior to the birth of the child or not more than six months after the
11 birth of the child, then the time limit is nine months after the birth
12 of the child.

13 (3) If more than one child is the subject of the action, the
14 limitation on reimbursement shall apply only as to those children
15 whose parental relationship and age would bar recovery were a
16 separate action brought for support of that child or those children.

17 (4) If the local child support agency fails to file a motion for an
18 order for temporary support within time limits specified in this
19 section, the local child support agency shall be barred from
20 obtaining a judgment of reimbursement for any support provided
21 for that child during the period between the date the time limit
22 expired and the motion was filed, or, if no motion is filed, when
23 a final judgment is entered.

24 (5) Except as provided in Section 17304, nothing in this section
25 prohibits the local child support agency from entering into
26 cooperative arrangements with other county departments as
27 necessary to carry out the responsibilities imposed by this section
28 pursuant to plans of cooperation with the departments approved by
29 the Department of Child Support Services.

30 (6) Nothing in this section shall otherwise limit the ability of
31 the local child support agency from securing and enforcing orders
32 for support of a spouse or former spouse as authorized under any
33 other provision of law.

34 (h) As used in this article, “enforcing obligations” includes,
35 but is not limited to, (1) the use of all interception and notification
36 systems operated by the department for the purposes of aiding in
37 the enforcement of support obligations, (2) the obtaining by the
38 local child support agency of an initial order for child support that
39 may include medical support or that is for medical support only,
40 by civil or criminal process, (3) the initiation of a motion or order



1 to show cause to increase an existing child support order, and the
2 response to a motion or order to show cause brought by an obligor
3 parent to decrease an existing child support order, or the initiation
4 of a motion or order to show cause to obtain an order for medical
5 support, and the response to a motion or order to show cause
6 brought by an obligor parent to decrease or terminate an existing
7 medical support order, without regard to whether the child is
8 receiving public assistance, (4) the response to a notice of motion
9 or order to show cause brought by an obligor parent to decrease an
10 existing spousal support order when the child or children are
11 residing with the obligee parent and the local child support agency
12 is also enforcing a related child support obligation owed to the
13 obligee parent by the same obligor, and (5) the transfer of child
14 support delinquencies to the Franchise Tax Board under
15 subdivision (c) of Section 17500 in support of the local child
16 support agency.

17 (i) As used in this section, “out of wedlock” means that the
18 biological parents of the child were not married to each other at the
19 time of the child’s conception.

20 (j) (1) The local child support agency is the public agency
21 responsible for administering wage withholding for current
22 support for the purposes of Title IV-D of the Social Security Act
23 (42 U.S.C. Sec. 651 et seq.).

24 (2) Nothing in this section shall limit the authority of the local
25 child support agency granted by other sections of this code or
26 otherwise granted by law, except to the extent that the law is
27 inconsistent with the transfer of delinquent child support to the
28 Franchise Tax Board.

29 (k) In the exercise of the authority granted under this article, the
30 local child support agency may intervene, pursuant to subdivision
31 (b) of Section 387 of the Code of Civil Procedure, by ex parte
32 application, in any action under this code, or other proceeding in
33 which child support is an issue or a reduction in spousal support
34 is sought. By notice of motion, order to show cause, or responsive
35 pleading served upon all parties to the action, the local child
36 support agency may request any relief that is appropriate that the
37 local child support agency is authorized to seek.

38 (l) The local child support agency shall comply with all
39 regulations and directives established by the department that set
40 time standards for responding to requests for assistance in locating



1 noncustodial parents, establishing paternity, establishing child
2 support awards, and collecting child support payments.

3 (m) As used in this article, medical support activities that the
4 local child support agency is authorized to perform are limited to
5 the following:

6 (1) The obtaining and enforcing of court orders for health
7 insurance coverage.

8 (2) Any other medical support activity mandated by federal law
9 or regulation.

10 (n) (1) Notwithstanding any other law, venue for an action or
11 proceeding under this division shall be determined as follows:

12 (A) Venue shall be in the superior court in the county that is
13 currently expending public assistance.

14 (B) If public assistance is not currently being expended, venue
15 shall be in the superior court in the county where the child who is
16 entitled to current support resides or is domiciled.

17 (C) If current support is no longer payable through, or
18 enforceable by, the local child support agency, venue shall be in the
19 superior court in the county that last provided public assistance for
20 actions to enforce arrearages assigned pursuant to Section 11477
21 of the Welfare and Institutions Code.

22 (D) If subparagraphs (A), (B), and (C) do not apply, venue shall
23 be in the superior court in the county of residence of the support
24 obligee.

25 (E) If the support obligee does not reside in California, and
26 subparagraphs (A), (B), (C), and (D) do not apply, venue shall be
27 in the superior court of the county of residence of the obligor.

28 (2) Notwithstanding paragraph (1), if the child becomes a
29 resident of another county after an action under this part has been
30 filed, venue may remain in the county where the action was filed
31 until the action is completed.

32 (o) The local child support agency of one county may appear
33 on behalf of the local child support agency of any other county in
34 an action or proceeding under this part.

35 SEC. 4. Section 17422 of the Family Code is amended to read:
36 17422. (a) The state medical insurance form required in
37 Article 1 (commencing with Section 3750) of Chapter 7 of Part 1
38 of Division 9 shall include, but shall not be limited to, all of the
39 following:



1 (1) The parent or parents’ names, addresses, and social security
2 numbers.
3 (2) The name and address of each parent’s place of
4 employment.
5 (3) The name or names, addresses, policy number or numbers,
6 and coverage type of the medical insurance policy or policies of
7 the parents, if any.
8 (4) The name, CalWORKs case number, social security
9 number, and Title IV-E foster care case number or Medi-Cal case
10 numbers of the parents and children covered by the medical
11 insurance policy or policies.
12 (b) (1) In any action brought or enforcement proceeding
13 instituted by the local child support agency under this division for
14 payment of child or spousal support, a completed state medical
15 insurance form shall be obtained and sent by the local child support
16 agency to the State Department of Health Services in the manner
17 prescribed by the State Department of Health Services.
18 (2) Where it has been determined under Section 3751 that
19 health insurance coverage is not available at no or reasonable cost,
20 the local child support agency shall seek a provision in the support
21 order that provides for health insurance coverage should it become
22 available at no or reasonable cost.
23 (3) Health insurance coverage shall be considered reasonable
24 in cost if it is employment-related group health insurance or other
25 group health insurance, regardless of the service delivery
26 mechanism. As used in this section, “health insurance coverage”
27 also includes providing for the delivery of health care services by
28 a fee for service, health maintenance organization, preferred
29 provider organization, or any other type of health care delivery
30 system under which medical services could be provided to the
31 dependent child or children of an absent parent.
32 (c) (1) The local child support agency shall request employers
33 and other groups offering health insurance coverage that is being
34 enforced under this division to notify the local child support
35 agency if there has been a lapse in insurance coverage. The local
36 child support agency shall be responsible for forwarding
37 information pertaining to the health insurance policy secured for
38 the dependent children for whom the local child support agency is
39 enforcing the court-ordered medical support to the custodial
40 parent.



1 (2) The local child support agency shall periodically
2 communicate with the State Department of Health Services to
3 determine if there have been lapses in health insurance coverage
4 for public assistance applicants and recipients. The State
5 Department of Health Services shall notify the local child support
6 agency when there has been a lapse in court-ordered insurance
7 coverage.

8 (3) The local child support agency shall take appropriate
9 action, civil or criminal, to enforce the obligation to obtain health
10 insurance when there has been a lapse in insurance coverage or
11 failure by the responsible parent to obtain insurance as ordered by
12 the court.

13 (4) The local child support agency shall inform all individuals
14 upon their application for child support enforcement services that
15 medical support enforcement services are available.

16 SEC. 5. Section 17430 of the Family Code is amended to read:

17 17430. (a) Notwithstanding any other provision of law, in
18 any action filed by the local child support agency pursuant to
19 Section 17400, 17402, or 17404, a judgment shall be entered
20 without hearing, without the presentation of any other evidence or
21 further notice to the defendant, upon the filing of proof of service
22 by the local child support agency evidencing that more than 30
23 days have passed since the simplified summons and complaint,
24 proposed judgment, blank answer, blank income and expense
25 declaration, and all notices required by this division were served
26 on the defendant.

27 (b) If the defendant fails to file an answer with the court within
28 30 days of having been served as specified in subdivision (d) of
29 Section 17400, or at any time before the default judgment is
30 entered, the proposed judgment filed with the original summons
31 and complaint shall be conformed by the court as the final
32 judgment and a copy provided to the local child support agency,
33 unless the local child support agency has filed a declaration and
34 amended proposed judgment pursuant to subdivision (c).

35 (c) If the local child support agency receives additional
36 financial information within 30 days of service of the complaint
37 and proposed judgment on the defendant and the additional
38 information would result in a support order that is different from
39 the amount in the proposed judgment, the local child support
40 agency shall file a declaration setting forth the additional



1 information and an amended proposed judgment. The declaration
2 and amended proposed judgment shall be served on the defendant
3 in compliance with Section 1013 of the Code of Civil Procedure
4 or otherwise as provided by law. The defendant's time to answer
5 or otherwise appear shall be extended to 30 days from the date of
6 service of the declaration and amended proposed judgment.

7 (d) Upon entry of the judgment, the clerk of the court shall
8 provide a conformed copy of the judgment to the local child
9 support agency. The local child support agency shall mail by
10 first-class mail, postage prepaid, a notice of entry of judgment by
11 default and a copy of the judgment to the defendant to the address
12 where he or she was served with the summons and complaint and
13 last known address if different from that address.

14 SEC. 6. Section 17432 of the Family Code is amended to read:

15 17432. (a) In any action filed by the local child support
16 agency pursuant to Section 17400, 17402, or 17404, the court may,
17 on any terms that may be just, relieve the defendant from that part
18 of the judgment or order concerning the amount of child support
19 to be paid. This relief may be granted after the six-month time limit
20 of Section 473 of the Code of Civil Procedure has elapsed, based
21 on the grounds, and within the time limits, specified in this section.

22 (b) This section shall apply only to judgments or orders for
23 support that were based upon presumed income as specified in
24 subdivision (d) of Section 17400 and that were entered after the
25 entry of the default of the defendant under Section 17430. This
26 section shall apply only to the amount of support ordered and not
27 that portion of the judgment or order concerning the determination
28 of parentage.

29 (c) The court may set aside the child support order contained
30 in a judgment described in subdivision (b) if the defendant's
31 income was substantially different for the period of time during
32 which judgment was effective compared with the income the
33 defendant was presumed to have. A "substantial difference"
34 means that amount of income that would result in an order for
35 support that deviates from the order entered by default by 20
36 percent or more. If the difference between the defendant's actual
37 income and the presumed income would result in an order for
38 support that deviates from the order entered by default by less than
39 20 percent, the court may set aside the child support order only if
40 the court states, in writing or on the record, that the defendant is



1 experiencing an extreme financial hardship due to the
2 circumstances enumerated in Section 4071 and that a set aside of
3 the default judgment is necessary to accommodate those
4 circumstances.

5 (d) Application for relief under this section shall be
6 accompanied by a copy of the answer or other pleading proposed
7 to be filed together with an income and expense declaration or
8 simplified financial statement and tax returns for any relevant
9 years. The Judicial Council may combine the application for relief
10 under this section and the proposed answer into a single form.

11 (e) The burden of proving that the actual income of the
12 defendant deviated substantially from the presumed income shall
13 be on the defendant.

14 (f) A motion for relief under this section shall be filed within
15 90 days of the first collection of money by the local child support
16 agency or the obligee. The 90-day time period shall run from the
17 date that the local child support agency receives the first collection
18 or from the date that the defendant is served with notice of the
19 collection, whichever date occurs first. If service of the notice is
20 by mail, the date of service shall be as specified in Section 1013
21 of the Code of Civil Procedure.

22 (g) In all proceedings under this section, before granting relief,
23 the court shall consider the amount of time that has passed since
24 the entry of the order, the circumstances surrounding the
25 defendant's default, the relative hardship on the child or children
26 to whom the duty of support is owed, the caretaker parent, and the
27 defendant, and other equitable factors that the court deems
28 appropriate.

29 (h) If the court grants the relief requested, the court shall issue
30 a new child support order using the appropriate child support
31 guidelines currently in effect. The new order shall have the same
32 commencement date as the order set aside.

33 SEC. 6.5. Section 17526 of the Family Code is amended to
34 read:

35 17526. (a) Upon request of an obligor or obligee, the local
36 child support agency shall review the amount of arrearages alleged
37 in a statement of arrearages that may be submitted to the local child
38 support agency by an applicant for child support enforcement
39 services. The local child support agency shall complete the review
40 in the same manner and pursuant to the same timeframes as a



1 complaint submitted pursuant to Section 17800. In the review, the
2 local child support agency shall consider all evidence and defenses
3 submitted by either parent on the issues of the amount of support
4 paid or owed.

5 (b) The local child support agency may, in its discretion,
6 suspend enforcement or distribution of arrearages if it believes
7 there is a substantial probability that the result of the
8 administrative review will result in a finding that there are no
9 arrearages.

10 (c) Any party to an action involving child support enforcement
11 services of the local child support agency may request a judicial
12 determination of arrearages. The party may request an
13 administrative review of the alleged arrearages prior to requesting
14 a judicial determination of arrearages. The local child support
15 agency shall complete the review in the same manner and pursuant
16 to the same timeframes specified in subdivision (a). Any motion
17 to determine arrearages filed with the court shall include a monthly
18 breakdown showing amounts ordered and amounts paid, in
19 addition to any other relevant information.

20 (d) A county that submits a claim for reimbursement as a
21 state-mandated local program of costs incurred with respect to the
22 administrative review of alleged child support arrearages under
23 this section shall be ineligible for state subventions or, to the extent
24 permitted by federal law, state-administered federal subventions,
25 for child support in the amount of any local costs under this
26 section.

27 SEC. 7. Section 17600 of the Family Code is amended to read:
28 17600. (a) The Legislature finds and declares all of the
29 following:

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

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

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

38 (4) Providing this information would allow county officials to
39 monitor program performance and to make appropriate
40 modifications to improve program efficiency.



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

3 (b) (1) Except as provided in paragraph (2), commencing with
4 the 1998–99 fiscal year, and for each fiscal year thereafter, each
5 county that is participating in the state incentive program
6 described in Section 17704 shall provide to the department, and
7 the department shall compile from this county child support
8 information, quarterly and annually, all of the following
9 performance-based data, as established by the federal incentive
10 funding system, provided that the department may revise the data
11 required by this paragraph in order to conform to the final federal
12 incentive system data definitions:

13 (A) One of the following data relating to paternity
14 establishment, as required by the department, provided that the
15 department shall require all counties to report on the same
16 measurement:

17 (i) The total number of children in the caseload governed by
18 Part D (commencing with Section 451) of Title IV of the federal
19 Social Security Act (42 U.S.C. Sec. 651 et seq.), as of the end of
20 the federal fiscal year, who were born to unmarried parents for
21 whom paternity was established or acknowledged, and the total
22 number of children in that caseload, as of the end of the preceding
23 federal fiscal year, who were born to unmarried parents.

24 (ii) The total number of minor children who were born in the
25 state to unmarried parents for whom paternity was established or
26 acknowledged during a federal fiscal year, and the total number of
27 children in the state born to unmarried parents during the
28 preceding federal fiscal year.

29 (B) The number of cases governed by Part D (commencing
30 with Section 451) of Title IV of the federal Social Security Act (42
31 U.S.C. Sec. 651 et seq.) during the federal fiscal year and the total
32 number of those cases with support orders.

33 (C) The total dollars collected during the federal fiscal year for
34 current support in cases governed by Part D (commencing with
35 Section 451) of Title IV of the federal Social Security Act (42
36 U.S.C. Sec. 651 et seq.) and the total number of dollars owing for
37 current support during that federal fiscal year in cases governed by
38 those provisions.

39 (D) The total number of cases for the federal fiscal year
40 governed by Part D (commencing with Section 451) of Title IV of



1 the federal Social Security Act (42 U.S.C. Sec. 651 et seq.) in
2 which payment was being made toward child support arrearages
3 and the total number of cases for that fiscal year governed by these
4 federal provisions that had child support arrearages.

5 (E) The total number of dollars collected and expended during
6 a federal fiscal year in cases governed by Part D (commencing
7 with Section 451) of Title IV of the federal Social Security Act (42
8 U.S.C. Sec. 651 et seq.).

9 (F) The total amount of child support dollars collected during
10 a federal fiscal year, and, if and when required by federal law, the
11 amount of these collections broken down by collections
12 distributed on behalf of current recipients of federal Temporary
13 Assistance for Needy Families block grant funds or federal foster
14 care funds, on behalf of former recipients of federal Temporary
15 Assistance for Needy Families block grant funds or federal foster
16 care funds, or on behalf of persons who have never been recipients
17 of these federal funds.

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

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

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

36 (c) Except as provided in paragraph (6), before implementation
37 of the statewide automated system, in addition to the information
38 required by subdivision (b), the department shall collect, on a
39 monthly basis, from each county that is participating in the state
40 incentive program described in Section 17704, information on the



1 local child support agency beginning with the 1998–99 fiscal year,
2 and for each subsequent fiscal year, shall report semiannually on
3 all of the following measurements:

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

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

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

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

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

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

25 (3) The number of children requiring paternity establishment
26 and the number of children for whom paternity has been
27 established during the period. Paternity may only be established
28 once for each child. Any child for whom paternity is not at issue
29 shall not be counted in the number of children for whom paternity
30 has been established. For this purpose, paternity is not at issue if
31 the parents were married and neither parent challenges paternity
32 or a voluntary paternity declaration has been executed by the
33 parents prior to the local child support agency obtaining the case
34 and neither parent challenges paternity.

35 (4) The number of cases requiring that a support order be
36 established and the number of cases that had a support order
37 established during the period. A support order shall be counted as
38 established only when the appropriate court has issued an order for
39 child support, including an order for temporary child support, or
40 an order for medical support.



1 (5) The total cost of administering the local child support
2 agency, including the federal, state, and county share of the costs,
3 and the federal and state incentives received by each county. The
4 total cost of administering the program shall be broken down by
5 the following:

6 (A) The direct costs of the program, broken down further by
7 total employee salaries and benefits, a list of the number of
8 employees broken down into at least the following categories:
9 attorneys, administrators, caseworkers, investigators, and clerical
10 support; contractor costs; space charges; and payments to other
11 county agencies. Employee salaries and numbers need only be
12 reported in the annual report.

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

14 (6) A county may apply for an exemption from any or all of the
15 reporting requirements of this subdivision for a fiscal year by
16 submitting an application for the exemption to the department at
17 least three months prior to the commencement of the fiscal year or
18 quarter for which the exemption is sought. A county shall provide
19 a separate justification for each data element under this
20 subdivision for which the county is seeking an exemption and the
21 cost to the county of providing the data. The department may not
22 grant an exemption for more than one year. The department may
23 grant a single exemption only if both of the following conditions
24 are met:

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

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

31 (d) After implementation of the statewide automated system, in
32 addition to the information required by subdivision (b), the
33 Department of Child Support Services shall collect, on a monthly
34 basis, from each county that is participating in the state incentive
35 program described in Section 17704, information on the county
36 child support enforcement program beginning with the 1998–99
37 fiscal year or a later fiscal year, as appropriate, and for each
38 subsequent fiscal year, and shall report semiannually on all of the
39 following measurements:



1 (1) For each of the following support collection categories, the
2 number of cases with support collected shall include only the
3 number of cases actually receiving a collection, not the number of
4 payments received.

5 (A) (i) The number of cases with collections for current
6 support.

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

8 (iii) The number of cases with both current support and arrears
9 collections.

10 (B) For cases with current support only due:

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

13 (ii) The number of cases in which some amount of current
14 support, but less than the full amount of support owed, was
15 collected.

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

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

19 (i) The number of cases in which all arrears owed were
20 collected.

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

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

25 (D) For cases in which both current support and arrears are
26 owed:

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

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

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

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

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

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



1 (H) For cases with current support due, the number of cases
2 without orders for medical support and the number of cases with
3 an order for medical support.

4 (2) The number of alleged fathers or obligors who were served
5 with a summons and complaint to establish paternity or a support
6 order, and the number of alleged fathers or obligors for whom it
7 is required that paternity or a support order be established. In order
8 to be counted under this paragraph, the alleged father or obligor
9 shall be successfully served with process. An alleged father shall
10 be counted under this paragraph only once if he is served with
11 process simultaneously for both a paternity and a support order
12 proceeding for the same child or children. For purposes of this
13 paragraph, a support order shall include a medical support order.

14 (3) The number of new asset seizures or successful initial
15 collections on a wage assignment for purposes of child support
16 collection. For purposes of this paragraph, a collection made on a
17 wage assignment shall be counted only once for each wage
18 assignment issued.

19 (4) The number of children requiring paternity establishment
20 and the number of children for whom paternity has been
21 established during the period. Paternity may only be established
22 once for each child. Any child for whom paternity is not at issue
23 shall not be counted in the number of children for whom paternity
24 has been established. For this purpose, paternity is not at issue if
25 the parents were married and neither parent challenges paternity
26 or a voluntary paternity declaration has been executed by the
27 parents prior to the local child support agency obtaining the case
28 and neither parent challenges paternity.

29 (5) The number of cases requiring that a support order be
30 established and the number of cases that had a support order
31 established during the period. A support order shall be counted as
32 established only when the appropriate court has issued an order for
33 child support, including an order for temporary child support, or
34 an order for medical support.

35 (6) The total cost of administering the local child support
36 agency, including the federal, state, and county share of the costs
37 and the federal and state incentives received by each county. The
38 total cost of administering the program shall be broken down by
39 the following:



1 (A) The direct costs of the program, broken down further by
2 total employee salaries and benefits, a list of the number of
3 employees broken down into at least the following categories:
4 attorneys, administrators, caseworkers, investigators, and clerical
5 support; contractor costs; space charges; and payments to other
6 county agencies. Employee salaries and numbers need only be
7 reported in the annual report.

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

9 (7) The total child support collections due, broken down by
10 current support, interest on arrears, and principal, and the total
11 child support collections that have been collected, broken down by
12 current support, interest on arrears, and principal.

13 (8) The actual case status for all cases in the county child
14 support enforcement program. Each case shall be reported in one
15 case status only. If a case falls within more than one status
16 category, it shall be counted in the first status category of the list
17 set forth below in which it qualifies. The following shall be the
18 case status choices:

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

20 (B) No support order, alleged obligor parent located and
21 paternity required.

22 (C) No support order, location and paternity not at issue but
23 support order must be established.

24 (D) Support order established with current support obligation
25 and obligor is in compliance with support obligation.

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

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

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

33 (H) Support order established with current support obligation,
34 obligor is in arrears, the obligor is located, but the local child
35 support agency has established satisfactorily that the obligor has
36 no income or assets and no ability to earn.

37 (I) Support order established with current support obligation
38 and arrears, obligor is paying the current support and is paying
39 some or all of the interest on the arrears, but is paying no principal.



- 1 (J) Support order established for arrears only and obligor is
2 current in repayment obligation.
- 3 (K) Support order established for arrears only, obligor is not
4 current in arrears repayment schedule and location of obligor is
5 required.
- 6 (L) Support order established for arrears only, obligor is not
7 current in arrears repayment schedule and location of obligor's
8 assets is required.
- 9 (M) Support order established for arrears only, obligor is not
10 current in arrears repayment schedule, and no location of obligor
11 or obligor's assets is required.
- 12 (N) Support order established for arrears only, obligor is not
13 current in arrears repayment, and the obligor is located, but the
14 local child support agency has established satisfactorily that the
15 obligor has no income or assets and no ability to earn.
- 16 (O) Support order established for arrears only and obligor is
17 repaying some or all of the interest, but no principal.
- 18 (P) Other, if necessary, to be defined in the regulations
19 promulgated under subdivision (e).
- 20 (e) Upon implementation of the statewide automated system,
21 or at the time that the department determines that compliance with
22 this subdivision is possible, whichever is earlier, each county that
23 is participating in the state incentive program described in Section
24 17704 shall collect and report, and the department shall compile
25 for each participating county, information on the county child
26 support program in each fiscal year, all of the following data, in a
27 manner that facilitates comparison of counties and the entire state,
28 except that the department may eliminate or modify the
29 requirement to report any data mandated to be reported pursuant
30 to this subdivision if the department determines that the local child
31 support agencies are unable to accurately collect and report the
32 information or that collecting and reporting of the data by the local
33 child support agencies will be onerous:
 - 34 (1) The number of alleged obligors or fathers who receive
35 CalWORKs benefits, food stamp benefits, and Medi-Cal benefits.
 - 36 (2) The number of obligors or alleged fathers who are in state
37 prison or county jail.
 - 38 (3) The number of obligors or alleged fathers who do not have
39 a social security number.



1 (4) The number of obligors or alleged fathers whose address is
2 unknown.

3 (5) The number of obligors or alleged fathers whose complete
4 name, consisting of at least a first and last name, is not known by
5 the local child support agency.

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

9 (7) The number of obligors or alleged fathers who have no
10 income reported to the Employment Development Department
11 during the third quarter of the fiscal year.

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

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

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

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

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

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



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

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

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

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

20 (18) The number of obligors or alleged fathers who have two
21 or more employers reporting earned income to the Employment
22 Development Department during the third quarter of the fiscal
23 year.

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

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

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

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

34 (23) The number of obligors or alleged fathers who receive
35 Supplemental Security Income/State Supplementary Program for
36 the Aged, Blind and Disabled benefits during the third quarter of
37 the fiscal year.

38 (f) The department, in consultation with the Legislative
39 Analyst's office, the Judicial Council, the California Family
40 Support Council, and child support advocates, shall develop



1 regulations to ensure that all local child support agencies report the
2 data required by this section uniformly and consistently
3 throughout California.

4 (g) The department shall provide the information for all
5 participating counties for the 2000–01 fiscal year to each member
6 of a county board of supervisors, county executive officer, local
7 child support agency, and the appropriate policy committees and
8 fiscal committees of the Legislature by December 31, 2001. The
9 department shall provide the information for each subsequent
10 fiscal year no later than nine months following the end of the fiscal
11 year. The department shall provide data semiannually no later than
12 three months following the end of the reporting period and no later
13 than nine months following the end of the fiscal year. The
14 department shall present the information in a manner that
15 facilitates comparison of county performance.

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

22 (i) This section shall be operative only for as long as Section
23 17704 requires participating counties to report data to the
24 department.

25 SEC. 8. Section 17602 of the Family Code is amended to read:

26 17602. (a) Not later than January 1, 2001, the department
27 shall adopt performance standards, in consultation with local child
28 support agencies, that each local child support agency is required
29 to comply with on a quarterly basis. The performance standards
30 shall include, at a minimum, measurements for each of the
31 following:

- 32 (1) Percent of cases with a court order for current support.
- 33 (2) Percent of cases with collections of current support.
- 34 (3) Average amount collected per case for all cases with
35 collections.
- 36 (4) Percent of cases with an order for arrears.
- 37 (5) Percent of cases with arrears collections.
- 38 (6) Percent of alleged fathers or obligors who were served with
39 a summons and complaint to establish paternity or a support order
40 during the period.



1 (7) Percent of children for whom paternity has been established
2 during the period.

3 (8) Percent of cases that had a support order established during
4 the period.

5 (9) Total child support dollars collected per one dollar (\$1) of
6 total expenditure.

7 (10) Any other measurements that the director determines to be
8 an appropriate determination of a local child support agency's
9 performance.

10 (b) In determining the performance measures in subdivision
11 (a), the department shall consider the total amount of uncollected
12 child support arrearages that are realistically collectible. The
13 director shall analyze, in consultation with local child support
14 agencies and child support advocates, the current amount of
15 uncollected child support arrearages statewide and in each county
16 to determine the amount of child support that may realistically be
17 collected. The director shall consider, in conducting the analysis,
18 factors that may influence collections, including demographic
19 factors such as welfare caseload, levels of poverty and
20 unemployment, rates of incarceration of obligors, and age of
21 delinquencies. The director shall use this analysis to establish
22 program priorities as provided in paragraph (7) of subdivision (b)
23 of Section 17306.

24 (c) The department shall use the performance-based data, and
25 the criteria for that data, as set forth in Section 17600 to determine
26 a local child support agency's performance measures for the
27 quarter.

28 (d) The director shall adopt a three phase process to be used
29 statewide when a local child support agency is out of compliance
30 with the performance standards adopted pursuant to subdivision
31 (a), or the director determines that the local child support agency
32 is failing in a substantial manner to comply with any provision of
33 the state plan, the provisions of this code, the requirements of
34 federal law, the regulations of the department, or the cooperative
35 agreement. The director shall adopt policies as to the
36 implementation of each phase, including requirements for
37 measurement of progress and improvement which shall be met as
38 part of the performance improvement plan specified in paragraphs
39 (1) and (2), in order to avoid implementation of the next phase of
40 compliance. The director shall not implement any of these phases



1 until July 1, 2001, or until six months after a local child support
2 agency has completed its transition from the office of the district
3 attorney to the new county department of child support services,
4 whichever is later. The phases shall include the following:

5 (1) Phase I: Development of a performance improvement plan
6 that is prepared jointly by the local child support agency and the
7 department, subject to the department's final approval. The plan
8 shall provide performance expectations and goals for achieving
9 compliance with the state plan and other state and federal laws and
10 regulations that must be reviewed and assessed within specific
11 timeframes in order to avoid execution of Phase II.

12 (2) Phase II: Onsite investigation, evaluation and oversight of
13 the local child support agency by the department. The director
14 shall appoint program monitoring teams to make site visits,
15 conduct educational and training sessions, and help the local child
16 support agency identify and attack problem areas. The program
17 monitoring teams shall evaluate all aspects of the functions and
18 performance of the local child support agency, including
19 compliance with state and federal laws and regulations. Based on
20 these investigations and evaluations, the program monitoring team
21 shall develop a final performance improvement plan and shall
22 oversee implementation of all recommendations made in the plan.
23 The local child support agency shall adhere to all
24 recommendations made by the program monitoring team. The
25 plan shall provide performance expectations and compliance goals
26 that must be reviewed and assessed within specific timeframes in
27 order to avoid execution of Phase III.

28 (3) Phase III: The director shall assume, either directly or
29 through agreement with another entity, responsibility for the
30 management of the child and spousal support enforcement
31 program in the county until the local child support agency provides
32 reasonable assurances to the director of its intention and ability to
33 comply. During the period of state management responsibility, the
34 director or his or her authorized representative shall have all of the
35 powers and responsibilities of the local child support agency
36 concerning the administration of the program. The local child
37 support agency shall be responsible for providing any funds as
38 may be necessary for the continued operation of the program. If the
39 local child support agency fails or refuses to provide these funds,
40 including a sufficient amount to reimburse any and all costs



1 incurred by the department in managing the program, the
2 Controller may deduct an amount certified by the director as
3 necessary for the continued operation of the program by the
4 department from any state or federal funds payable to the county
5 for any purpose.

6 (e) The director shall report in writing to the Legislature
7 semiannually, beginning July 1, 2001, on the status of the state
8 child support enforcement program. The director shall submit
9 ~~quarterly data, upon the request of the Legislature, data~~
10 ~~semiannually~~ to the Legislature, ~~Governor and public on the~~
11 ~~Governor, and the public, on the~~ progress of all local child support
12 agencies in each performance measure, including identification of
13 the local child support agencies that are out of compliance, the
14 performance measures that they have failed to satisfy, and the
15 performance improvement plan that is being taken for each.

16 SEC. 9. Section 17700 of the Family Code is repealed.

17 SEC. 10. Section 17704 of the Family Code is amended to
18 read:

19 17704. (a) For the 1998–99 fiscal year the department shall
20 pay to each county a child support incentive payment. Every
21 county shall receive the federal child support incentive. A county
22 shall receive the state child support incentive if it elects to do both
23 of the following:

24 (1) Comply with the reporting requirements of Section 17600
25 while federal financial participation is available for collecting and
26 reporting data.

27 (2) Comply with federal and state child support laws and
28 regulations, or has a corrective action plan certified by the
29 department pursuant to Section 17702. The combined federal and
30 state incentive payment shall be 13.6 percent of distributed
31 collections. If the amount appropriated by the Legislature for the
32 state incentives is less than the amount necessary to satisfy each
33 county's actual incentives pursuant to this section, each county
34 shall receive its proportional share of incentives.

35 (b) (1) Beginning July 1, 1999, the department shall pay to
36 each county a child support incentive for child support collections.
37 Every county shall receive the federal child support incentive. The
38 combined federal and state incentive payments shall be 13.6
39 percent of distributed collections. In addition to the federal child
40 support incentive, each county may also receive a state child



1 support incentive. Subject to subdivision (c), a county shall
2 receive the state child support incentive if it elects to do both of the
3 following:

4 (A) Comply with the reporting requirements of Section 17600
5 while federal financial participation is available for collecting and
6 reporting data.

7 (B) Be in compliance with federal and state child support laws
8 and regulations, or have a performance improvement plan
9 certified by the department pursuant to Section 17702.

10 (2) (A) For purposes of paragraph (1), the federal incentive
11 component shall be each county's share of the child support
12 incentive payments that the state receives from the federal
13 government, based on the county's collections.

14 (B) (i) Effective July 1, 1999, and annually thereafter, state
15 funds appropriated for child support incentives shall first be used
16 to fund the administrative costs incurred by local child support
17 agencies in administering the child support program, excluding
18 automation costs as set forth in Section 10085 of the Welfare and
19 Institutions Code, after subtracting all federal financial
20 participation for administrative costs and all federal child support
21 incentives received by the state and passed on to the local child
22 support agencies. The department shall allocate sufficient
23 resources to each local child support agency to fully fund the
24 remaining administrative costs of its budget as approved by the
25 director pursuant to paragraph (9) of subdivision (b) of Section
26 17306, subject to the appropriation of funding in the annual
27 Budget Act. No later than January 1, 2000, the department shall
28 identify allowable administrative costs that may be claimed for
29 reimbursement from the state, which shall be limited to reasonable
30 amounts in relation to the scope of services and the total funds
31 available. If the total amount of administrative costs claimed in
32 any year exceeds the amount appropriated in the Budget Act, the
33 amount provided to local child support agencies shall be reduced
34 by the percentage necessary to ensure that projected General Fund
35 expenditures do not exceed the amount authorized in the Budget
36 Act.

37 (ii) Effective July 1, 2001, and annually thereafter, after
38 allowable administrative costs are funded under clause (i), the
39 department shall use any remaining unallocated incentive funds
40 appropriated from the prior fiscal year which are hereby



1 reappropriated to implement an incentive program that rewards up
2 to 10 local child support agencies in each year, based on their
3 performance or increase in performance on one or more of the
4 federal performance standards set forth in Section 458 of the
5 federal Social Security Act (42 U.S.C. Sec. 658), or state
6 performance standards set forth in subdivision (a) of Section
7 17602, as determined by the department. The department shall
8 determine the number of local agencies that receive state incentive
9 funds under this program, subject to a maximum of 10 agencies
10 and shall determine the amount received by each local agency
11 based on the availability of funds and each local child support
12 agency's proportional share based on the performance standard or
13 standards used.

14 (iii) Any funds received pursuant to this subdivision shall be
15 used only for child support enforcement activities.

16 (c) (1) Beginning October 1, 1999, any county whose
17 performance on one or more of the federal performance standards
18 set forth in Section 458 of the federal Social Security Act (42
19 U.S.C. Sec. 658), or the state performance standards set forth in
20 subdivision (a) of Section 17602, as determined by the
21 department, is in the bottom quartile of all counties and whose rate
22 of improvement over the prior year is less than the rate of
23 improvement of the top quartile of counties in terms of their rates
24 of improvement shall receive its state incentive only upon
25 accepting technical assistance from the department, as set forth in
26 paragraph (2).

27 (2) The department, in consultation with experts from other
28 counties, as appropriate, shall conduct a program review of the
29 county's child support program, which shall include a review of
30 the county's management practices, and provide technical
31 assistance. If the county chooses to receive its state incentives
32 under this section, the county shall comply with the
33 recommendations of this review.

34 (d) Each county shall continue to receive its federal child
35 support incentive funding whether or not it elects to participate in
36 the state child support incentive funding program.

37 (e) The department shall provide incentive funds pursuant to
38 this section only during any fiscal year in which funding is
39 provided for that purpose in the Budget Act.



1 SEC. 10.5. Section 17801 of the Family Code is amended to
2 read:

3 17801. (a) A custodial or noncustodial parent who is
4 dissatisfied with the local child support agency's resolution of a
5 complaint shall be accorded an opportunity for a state hearing
6 when any one or more of the following actions or failures to take
7 action by the department or the local child support agency is
8 claimed by the parent:

9 (1) An application for child support services has been denied
10 or has not been acted upon within the required timeframe.

11 (2) The child support services case has been acted upon in
12 violation of state or federal law or regulation or department letter
13 ruling, or has not yet been acted upon within the required
14 timeframe, including services for the establishment, modification,
15 and enforcement of child support orders and child support
16 accountings.

17 (3) Child support collections have not been distributed or have
18 been distributed or disbursed incorrectly, or the amount of child
19 support arrears, as calculated by the department or the local child
20 support agency is inaccurate. The amount of the court order for
21 support, including current support and arrears, is not subject to a
22 state hearing under this section.

23 (4) The child support agency's decision to close a child support
24 case.

25 (b) Prior to requesting a hearing pursuant to subdivision (a), the
26 custodial or noncustodial parent shall exhaust the complaint
27 resolution process required in Section 17800, unless the local child
28 support agency has not, within the 30-day period required by that
29 section, submitted a written resolution of the complaint. If the
30 custodial or noncustodial parent does not receive that timely
31 written resolution he or she may request a hearing pursuant to
32 subdivision (a).

33 (c) A hearing shall be provided under subdivision (a) when the
34 request for a hearing is made within 90 days after receiving the
35 written notice of resolution required in Section 17800 or, if no
36 written notice of resolution is provided within 30 days from the
37 date the complaint was made, within 90 days after making the
38 complaint.

39 (d) (I) A hearing under subdivision (a) shall be set to
40 commence within ~~30 working~~ 45 days after the request is ~~filed~~



1 received by the state hearing office, and at least 10 days prior to the
2 hearing, all parties shall be given written notice of the time and
3 place of the hearing. ~~A final hearing decision shall be rendered~~
4 ~~within 20 working days of the date of the hearing.~~ Unless the time
5 period is waived by the complainant, the proposed hearing
6 decision shall be rendered by the state hearing office within 75
7 days after the request for a state hearing is received by the state
8 hearing office. The department shall have 15 days from the date the
9 proposed decision is rendered to act upon the decision. When a
10 hearing is postponed, continued, or reopened with the consent of
11 the complainant, the time for issuance of the decision, and action
12 on the decision by the department, shall be extended for a period
13 of time consistent with the postponement, continuance, or
14 reopening.

15 (2) For purposes of this subdivision, the “state hearing office”
16 refers to the division of the office or agency designated by the
17 department to carry out state hearings, that conducts those state
18 hearings.

19 (e) To the extent not inconsistent with this section, hearings
20 under subdivision (a) shall be provided in the same manner in
21 which hearings are provided in Sections 10950 to 10967 of the
22 Welfare and Institutions Code and the State Department of Social
23 Services’ regulations implementing and interpreting those
24 sections.

25 (f) Pendency of a state hearing shall not affect the obligation to
26 comply with an existing child support order.

27 (g) Any child support determination that is subject to the
28 jurisdiction of the superior court and that is required by law to be
29 addressed by motion, order to show cause, or appeal under this
30 code shall not be subject to a state hearing under this section. The
31 director shall, by regulation, specify and exclude from the subject
32 matter jurisdiction of state hearings provided under subdivision
33 (a), grievances arising from a child support case in the superior
34 court which must, by law, be addressed by motion, order to show
35 cause, or appeal under this code.

36 (h) The local child support agency and the Franchise Tax Board
37 shall comply with, and execute, every decision of the director
38 rendered pursuant to this section.



1 (i) The director shall contract with the State Department of
2 Social Services or the Office of Administrative Hearings for the
3 provision of state hearings in accordance with this section.

4 (j) This section shall be implemented only to the extent that
5 there is federal financial participation available at the child support
6 funding rate set forth in Section 655(a)(2) of Title 42 of the United
7 States Code.

8 SEC. 10.7. Section 11165.7 of the Penal Code is amended to
9 read:

10 11165.7. (a) As used in this article, “mandated reporter” is
11 defined as any of the following:

12 (1) A teacher.

13 (2) An instructional aide.

14 (3) A teacher’s aide or teacher’s assistant employed by any
15 public or private school.

16 (4) A classified employee of any public school.

17 (5) An administrative officer or supervisor of child welfare and
18 attendance, or a certificated pupil personnel employee of any
19 public or private school.

20 (6) An administrator of a public or private day camp.

21 (7) An administrator or employee of a public or private youth
22 center, youth recreation program, or youth organization.

23 (8) An administrator or employee of a public or private
24 organization whose duties require direct contact and supervision
25 of children.

26 (9) Any employee of a county office of education or the
27 California Department of Education, whose duties bring the
28 employee into contact with children on a regular basis.

29 (10) A licensee, an administrator, or an employee of a licensed
30 community care or child day care facility.

31 (11) A headstart teacher.

32 (12) A licensing worker or licensing evaluator employed by a
33 licensing agency as defined in Section 11165.11.

34 (13) A public assistance worker.

35 (14) An employee of a child care institution, including, but not
36 limited to, foster parents, group home personnel, and personnel of
37 residential care facilities.

38 (15) A social worker, probation officer, or parole officer.

39 (16) An employee of a school district police or security
40 department.



- 1 (17) Any person who is an administrator or presenter of, or a
2 counselor in, a child abuse prevention program in any public or
3 private school.
- 4 (18) A district attorney investigator, inspector, or local child
5 support agency caseworker, unless the investigator, inspector, or
6 caseworker is working with an attorney appointed pursuant to
7 Section 317 of the Welfare and Institutions Code to represent a
8 minor.
- 9 (19) A peace officer, as defined in Chapter 4.5 (commencing
10 with Section 830) of Title 3 of Part 2, who is not otherwise
11 described in this section.
- 12 (20) A firefighter, except for volunteer firefighters.
- 13 (21) A physician, surgeon, psychiatrist, psychologist, dentist,
14 resident, intern, podiatrist, chiropractor, licensed nurse, dental
15 hygienist, optometrist, marriage, family and child counselor,
16 clinical social worker, or any other person who is currently
17 licensed under Division 2 (commencing with Section 500) of the
18 Business and Professions Code.
- 19 (22) Any emergency medical technician I or II, paramedic, or
20 other person certified pursuant to Division 2.5 (commencing with
21 Section 1797) of the Health and Safety Code.
- 22 (23) A psychological assistant registered pursuant to Section
23 2913 of the Business and Professions Code.
- 24 (24) A marriage, family and child therapist trainee, as defined
25 in subdivision (c) of Section 4980.03 of the Business and
26 Professions Code.
- 27 (25) An unlicensed marriage, family, and child therapist intern
28 registered under Section 4980.44 of the Business and Professions
29 Code.
- 30 (26) A state or county public health employee who treats a
31 minor for venereal disease or any other condition.
- 32 (27) A coroner.
- 33 (28) A medical examiner, or any other person who performs
34 autopsies.
- 35 (29) A commercial film and photographic print processor, as
36 specified in subdivision (e) of Section 11166. As used in this
37 article, “commercial film and photographic print processor”
38 means any person who develops exposed photographic film into
39 negatives, slides, or prints, or who makes prints from negatives or
40 slides, for compensation. The term includes any employee of that



1 person; it does not include a person who develops film or makes
2 prints for a public agency.

3 (30) A child visitation monitor. As used in this article, “child
4 visitation monitor” means any person who, for financial
5 compensation, acts as monitor of a visit between a child and any
6 other person when the monitoring of that visit has been ordered by
7 a court of law.

8 (31) An animal control officer or humane society officer. For
9 the purposes of this article, the following terms have the following
10 meanings:

11 (A) “Animal control officer” means any person employed by
12 a city, county, or city and county for the purpose of enforcing
13 animal control laws or regulations.

14 (B) “Humane society officer” means any person appointed or
15 employed by a public or private entity as a humane officer who is
16 qualified pursuant to Section 14502 or 14503 of the Corporations
17 Code.

18 (32) A clergy member, as specified in subdivision (c) of
19 Section 11166. As used in this article, “clergy member” means a
20 priest, minister, rabbi, religious practitioner, or similar
21 functionary of a church, temple, or recognized denomination or
22 organization.

23 (33) Any employee of any police department, county sheriff’s
24 department, county probation department, or county welfare
25 department.

26 (34) An employee or volunteer of a Court Appointed Special
27 Advocate program, as defined in Rule 1424 of the Rules of Court.

28 (b) Volunteers of public or private organizations whose duties
29 require direct contact and supervision of children are encouraged
30 to obtain training in the identification and reporting of child abuse.

31 (c) Training in the duties imposed by this article shall include
32 training in child abuse identification and training in child abuse
33 reporting. As part of that training, school districts shall provide to
34 all employees being trained a written copy of the reporting
35 requirements and a written disclosure of the employees’
36 confidentiality rights.

37 (d) School districts that do not train their employees specified
38 in subdivision (a) in the duties of mandated reporters under the
39 child abuse reporting laws shall report to the State Department of
40 Education the reasons why this training is not provided.



1 (e) The absence of training shall not excuse a mandated
2 reporter from the duties imposed by this article.

3 SEC. 11. Section 11476.2 of the Welfare and Institutions
4 Code is amended to read:

5 11476.2. On a monthly basis, the local child support agency
6 shall provide to any CalWORKs recipient or former recipient for
7 whom an assignment pursuant to subdivision (a) of Section 11477
8 is currently effective, a notice of the amount of assigned support
9 payments made on behalf of the recipient or former recipient or
10 any other family member for whom public assistance is received.

11 SEC. 12. Notwithstanding Section 17610 of the Government
12 Code, if the Commission on State Mandates determines that this
13 act contains costs mandated by the state, reimbursement to local
14 agencies and school districts for those costs shall be made pursuant
15 to Part 7 (commencing with Section 17500) of Division 4 of Title
16 2 of the Government Code. If the statewide cost of the claim for
17 reimbursement does not exceed one million dollars (\$1,000,000),
18 reimbursement shall be made from the State Mandates Claims
19 Fund.

