

Date of Hearing: May 11, 2022

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

AB 1686 (Bryan) – As Amended January 31, 2022

Policy Committee:	Judiciary	Vote:	7 - 3
	Human Services		6 - 1

Urgency: No State Mandated Local Program: Yes Reimbursable: Yes

SUMMARY:

This bill creates a presumption that child support payments made on behalf on a dependent child are likely to pose a barrier to reunification in cases where reunification services are available.

This bill also requires the Department of Social Services (DSS) to draft and implement regulations to reflect this presumption, no later than October 1, 2023.

FISCAL EFFECT:

Possible revenue loss (General Fund (GF)) in the millions of dollars to the Department of Child Support Services (CDCSS) as a result of a decrease in child support payments. DSS estimates that from July 2021 to January 2022, child support collections on foster care cases were approximately \$11.9 million (\$4.1 million GF). If that collection rate remains the same for the rest of the year, DCSS estimates approximately \$21.2 million (\$7.2 million GF) in child support collections on foster care cases for fiscal year (FY) 2021 with \$17.7 million (\$6.0 million GF) distributed to state, federal and county governments to repay the cost of foster care. DSS further notes this bill will result in fewer foster care referrals to the child support program, which would result in less child support collections and recovery. While the exact impact of the reduction is unknown, an assumed corresponding 20% reduction in child support collections would result in a loss of approximately \$4.24 million (\$1.44 million GF revenue) in annual collections.

COMMENTS:

1) Purpose. According to the author:

In many places in California parents are charged for the time their children spend in foster care. This debt is a real and significant barrier to the goal of family reunification. It disproportionately burdens single women of color, and studies have shown that the cost of collections exceeds the debt owed. It's time to end this ineffective and inefficient practice statewide, as several counties have already done.

2) **Background.** Federal law requires that when a child is removed from their family, parents are referred to DCSS and county child welfare agencies to determine payment of child support. However, child support payments levied against parents are directed toward the cost of operating a child welfare system- not necessarily the child. The goal of the dependency system is to reunify parents and children. Federal guidance on when it is appropriate to refer

parents for child support enforcement states that the child welfare agency, should evaluate the case on an individual basis, considering the best interests of the child and the circumstances of the family.

- 3) **Reunification.** A family court may order reunification services for parents who have had a child removed when it is determined that reunification with the family would ultimately benefit the child. To ensure children are protected from harm, there are several instances when a parent or guardian can be denied reunification services by the court, with factors consisting of various behaviors and circumstances that render a parent incapable of meeting their child's needs. Depending on the child's age, reunification services can be offered for between six months (for children under the age of three) and 12 months (for children ages three and older). Extensions for certain circumstances may be granted if there is a substantial probability that the child will be returned to the physical custody of their parents and for parents who are making significant and consistent progress in a court-ordered residential substance abuse treatment program or recently discharged from incarceration, institutionalization, or the custody of the United States Department of Homeland Security. This bill seeks to increase family reunification for children in the child welfare system by creating a presumption that the payment of child support fees is likely to pose a barrier to reunification.

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