
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2021 - 2022 Regular Session

AB 1686 (Bryan) - Child welfare agencies: enforcement

Version: January 31, 2022

Urgency: No

Hearing Date: August 1, 2022

Policy Vote: JUD. 10 - 1, HUMAN S. 5 - 0

Mandate: Yes

Consultant: Matthew Fleming

Bill Summary: AB 1686 would create a presumption that child support payments made on behalf of a dependent child are likely to pose a barrier to reunification in cases where reunification services are available and would require the Department of Social Services (DSS) to draft and implement regulations to reflect this presumption, no later than October 1, 2023.

Fiscal Impact: Significant loss in revenue, potentially in the low millions of dollars due to fewer foster care referrals to the child support program, which would result in less child support collections and recoupment. (Special Fund – Child Support Collection Recovery Fund, General Fund). See Staff Comments for additional detail.

Background: Child support is generally associated with cases in which parents have divorced or no longer share finances. But federal law also requires, as a condition of funding under certain benefits programs, certain parents whose children are in foster care can be ordered to pay child support. Specifically, federal law requires states to have a procedure whereby the state can collect support from the parent undergoing reunification services where appropriate.

California has fulfilled the federal requirement by requiring CDSS, in consultation with DCSS, to establish regulations by which the county welfare department can determine if it is contrary to the best interest of the child to refer the child welfare case to the local child services agency for child support services. The regulations must include factors for the county child welfare department to consider whether the payment of support by the parent will pose a barrier to the proposed reunification. This bill would require that, when making a determination about whether to refer a parent for child support enforcement, the child welfare department must presume that the payment of support by the parent is likely to pose a barrier to the proposed reunification if reunification services are offered and not terminated. This aligns with recent recommendations from the federal Children's Bureau.

Proposed Law:

- Provides that regulations required to be developed by CDSS, in consultation with DCSS, regarding whether it is in the best interest of a child who has been removed from their parents through the child welfare system to have the case referred to the child welfare agency for child support services must provide that the county child welfare department, in making its best interest determination, presume that the payment of support by the parent is likely to pose a barrier to the proposed reunification if reunification services are offered and not terminated.

- Requires DSS to revise its regulations to implement these changes on or before October 1, 2023.
- Makes findings and declarations.

Staff Comments: According to the Department of Child Support Services (DCSS), as of January 2022, there were approximately 48,000 foster care cases in the child support caseload. This bill will result in fewer foster care cases being referred to the child support program, though the exact extent of the reduction is not known. Furthermore, it's unknown if the existing foster care cases will have their child support case closed.

From July 2021 to January 2022, child support collections on foster care cases were approximately \$11.9 million (\$4.1 million deposited into the General Fund (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 SFY 2021 with \$17.7 million (\$6.0 million GF) distributed to state, federal, and county governments for to repay the cost of foster care (aka "recoupment"). This bill would result in fewer foster care referrals to the child support program, which would result in less child support collections and recoupment. 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.

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