

# Child Support Commissioner and Family Law Facilitator Funding Overview

AB 1058 Funding Allocation Joint  
Subcommittee

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## Title IV-D Child Support Cases

- "Title IV-D case" means any case in which the child support enforcement agency is enforcing the child support order pursuant to Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as amended.
- Federal law requires each state as a condition of receiving federal welfare funds to provide services for establishing parentage and support and enforcing support orders.
- In California, the California Department of Child Support Services administers the child support program.



# California Title IV-D Child Support Cases

- 51 county or regional child support agencies are responsible for providing services to approximately 1.4 million families and children statewide. These include:
  - Families who currently receive or formerly received [Temporary Assistance for Needy Families program](#) (TANF) benefits.
  - Families that never received assistance may voluntarily enroll for full IV-D services.
- Services include locating a parent, establishing paternity, establishing, modifying and enforcing a court order for child support and health care coverage.



# California Prior to the Child Support Commissioner System

- Historical Background

- Title IV-D Performance Problems in California

- Organizational Structural Issues
- Lack of integrated state-wide automated systems on both IV-D agency and court sides
- Lack of uniformity of policies and procedures



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# Roots of the AB 1058 Child Support Program

- Governor's Child Support Court Task Force (1993 to 1995)
  - Established to address the backlog of child support cases and allow California to comply with specific federal time frames.
  - Mission of the Task Force:
    - Study the process of establishing and enforcing child support orders in the California courts,
    - Make recommendations concerning the creation of an efficient, humane, and effective process for the expedited handling of child support cases as required by federal law.



# Recommendations of the Task Force

- Usage and training of commissioners
- Collaboration and partnership as cornerstone of the reform agenda
- Reform by legislation
  - Judicial establishment and enforcement of child support
    - Develop uniformity to help streamline process
      - rules of court;
      - forms and procedures;
      - agency policies, procedures, and regulations
- “Friend of the Court”/Family Law Facilitators



# California Title IV-D Reform

- Court Reform (1996) (AB 1058)
  - Legislative Findings
  - Creation of specialized child support commissioners
  - Family Law Facilitators
  - Simplified procedures and forms



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# Roots of the AB 1058 Child Support Program

- Judicial Council Report – May 1997
- Basis of Initial Program Funding and Staffing Standards
  - Workload Surveys (50 FTE Commissioner/FLF Positions)
    - Minimum Allocations for Small Courts
    - Shared Resources among Courts
    - Court Staffing Standards
    - Allowable Expense Categories



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# California Title IV-D Reform

- Title IV-D Agency Reform (1999)(FC 17400)
  - Creation of Department of Child Support Services
  - Removal of local program from District Attorneys
  - Creation of Local Child Support Agencies



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## Federal Performance Measures

Since Federal Fiscal Year 2000, states are evaluated for federal incentive funds based on five performance measures:

- Paternity Establishment Percentage
- Percent of Cases with a Child Support Order
- Current Collections Performance
- Arrearage Collections Performance
- Cost Effectiveness Performance Level



# Funding Sources

- Title IV-D Federal Funding
- State provides 1/3 with 2/3 federal match
  - State Budget Act provides state match
  - Part of state DCSS budget
  - Funding provided through standard contracts
  - Court's Federal Draw Down Option



# Current Funding Methodology

- Workload Based with DCSS Data – Cases with Support Orders
- Minimum FTE for Commissioners
- Additional Variables Causing Funding Adjustment:
  - Is there a lease?
  - Deputized court clerks in the local agency
  - Variable workload from the local child support agencies



# Key Elements of AB 1058 Funding

- Contractual Basis
- Reimbursement Grant
- Title IV-D Base Funding & Federal Draw Down Option
- Annual Allocation Approval Process
- Midyear Reallocation Process
- Court Invoicing Process



# Standard Agreements

- State DCSS to Judicial Council
- Judicial Council to Local Courts
- Local Plans of Cooperation between local child support agency and the county Superior Court



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# State DCSS-Judicial Council Agreement

- Separate agreement for Child Support Commissioner & Family Law Facilitators
- Provides statewide lump sum funding
- Requires compliance with federal program regulations & mandates audit of the courts
- Requires the Judicial Council to ensure certain operational provisions flow down to the courts



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# Judicial Council - Court Agreements

- Sets out minimum qualifications of Child Support Commissioner
- Requires annual Plan of Cooperation between court & LCSA
- Requires Title IV-D actions have priority
- Requires adequate staffing to meet federal time standards
- Time studying



# Local Plans of Cooperation

- Judicial Council AB 1058 program provides a minimal template of required provisions
- Priority for Title IV-D hearings
- Processing time standards
- Quarterly POC meetings
- Meet and confer prior to peremptory challenge of commissioner
- Court/LCSA can negotiate any additional terms



# Child Support Commissioner Funding

- Child Support Commissioner Program has been flat funded since 2008
- Funding for FY 2015-2016 and 2016-2017 is:
  - Base Allocation - \$32.1 million
  - Federal Drawdown Option - \$12.2 million



# Family Law Facilitator Funding

- Family Law Facilitator Program has also been flat funded.

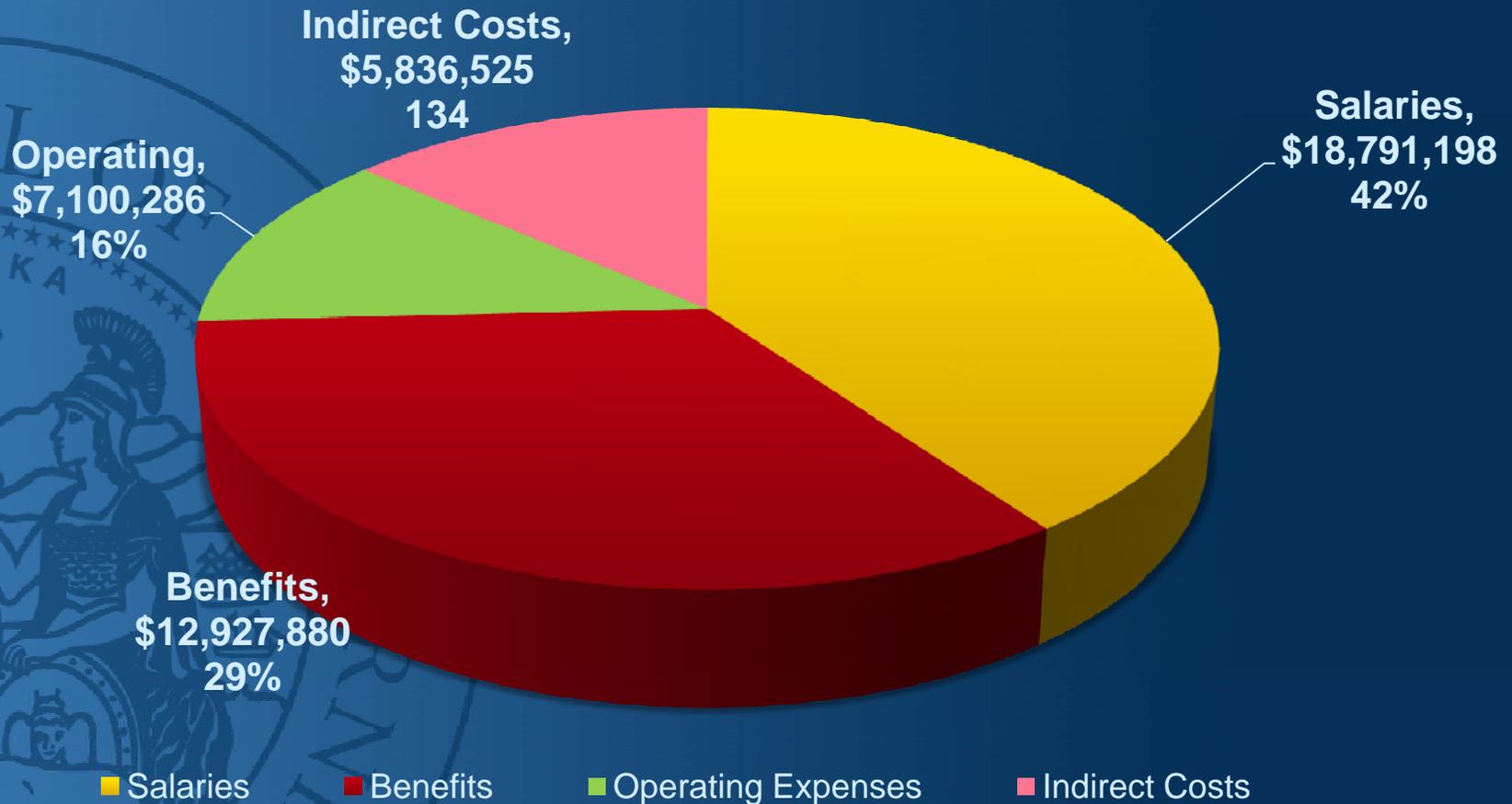
• Funding for FY 2015-2016 and 2016-2017 is:

- Base Allocation - \$10.9 million
- Federal Drawdown Option - \$4.2 million



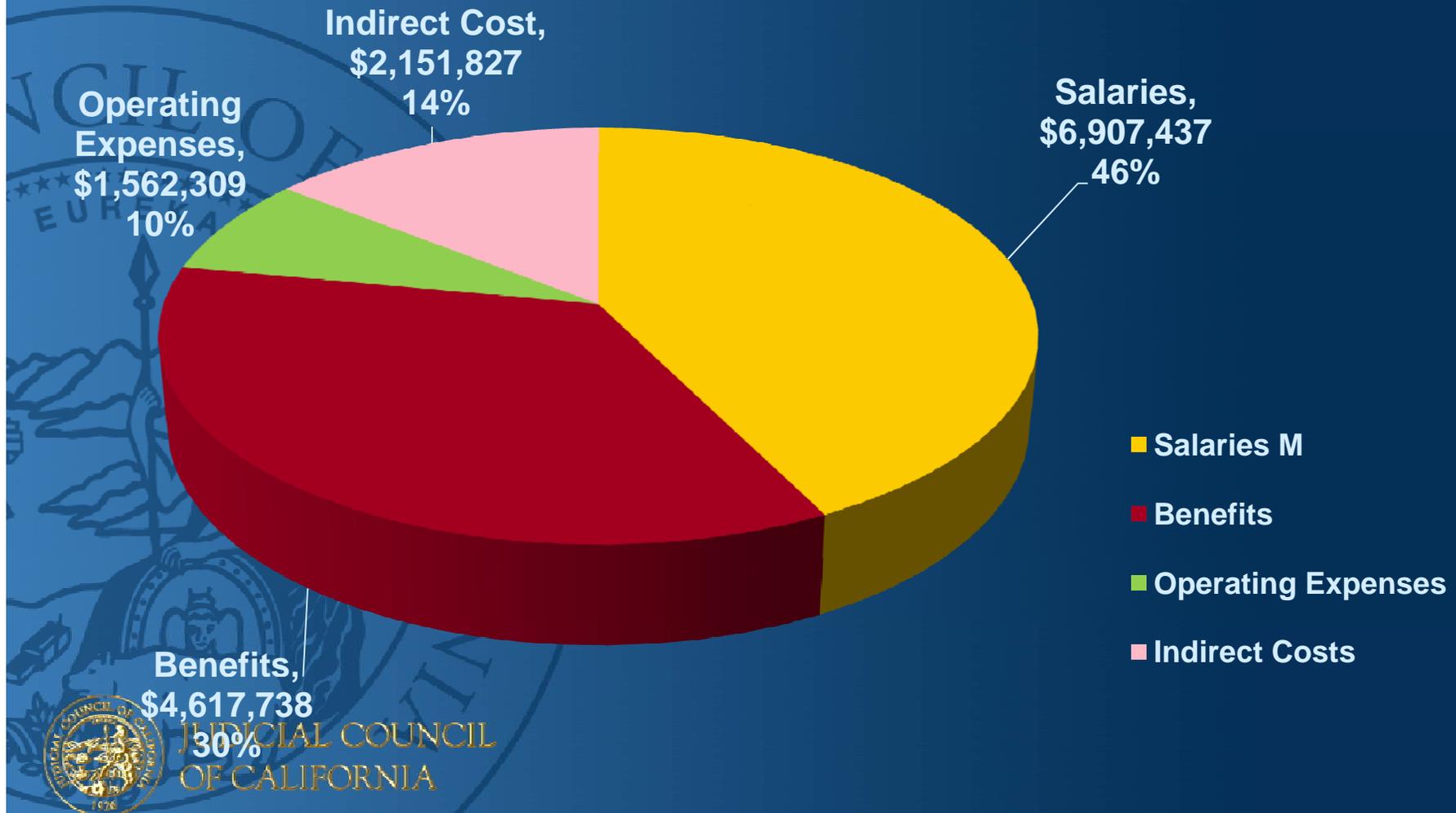
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# Child Support Commissioner Program Budgeted Expenditures by Category FY 14/15



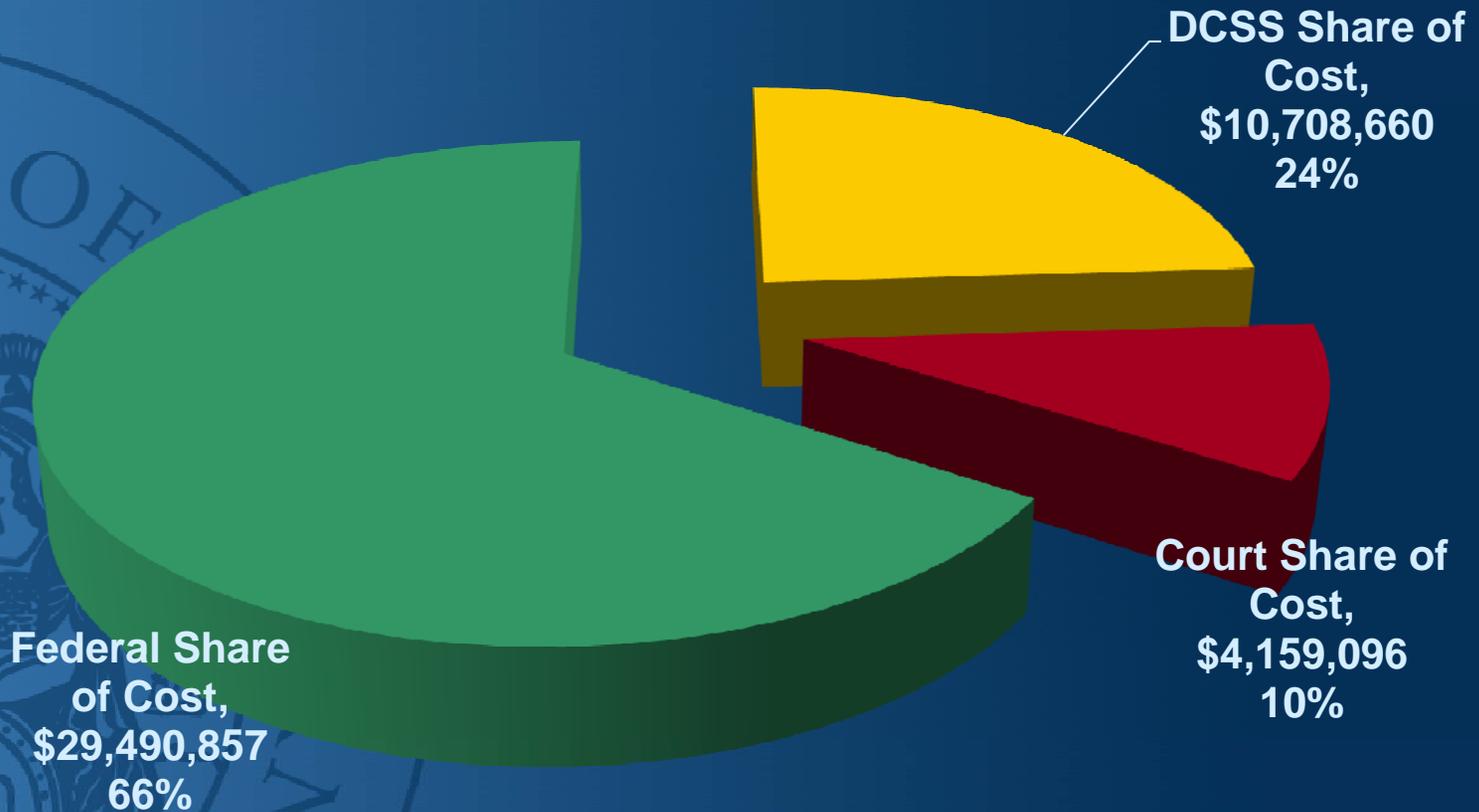
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# Family Law Facilitator Program Budgeted Expenditures by Category FY 14/15



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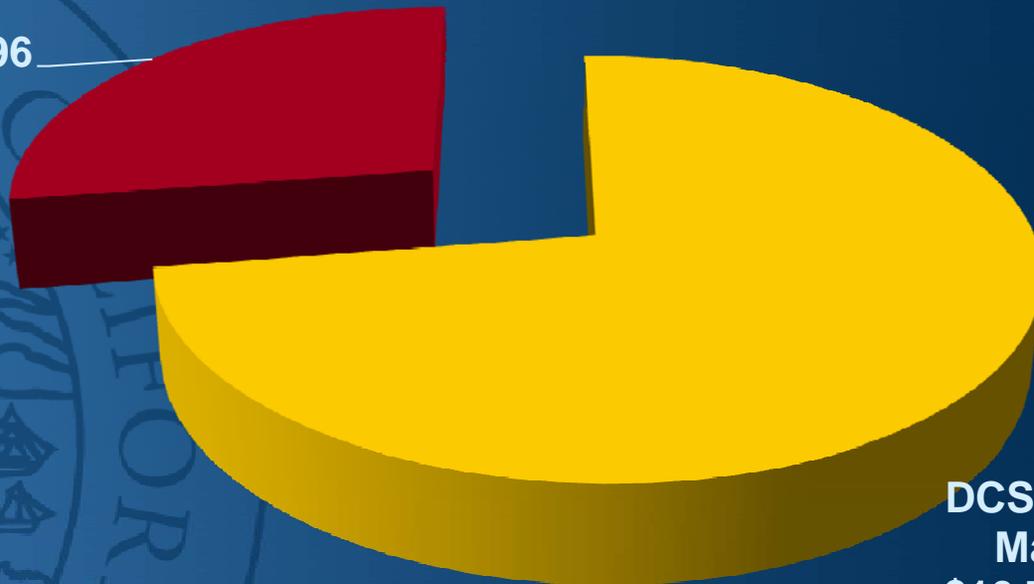
# Child Support Commissioner Program FY 14/15 (Total Funding \$44,358,615)



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# Child Support Commissioner Program State Match FY14/15 \$14,867,756

Court State  
Match,  
\$4,159,096  
28%



DCSS State  
Match,  
\$10,708,600  
72%



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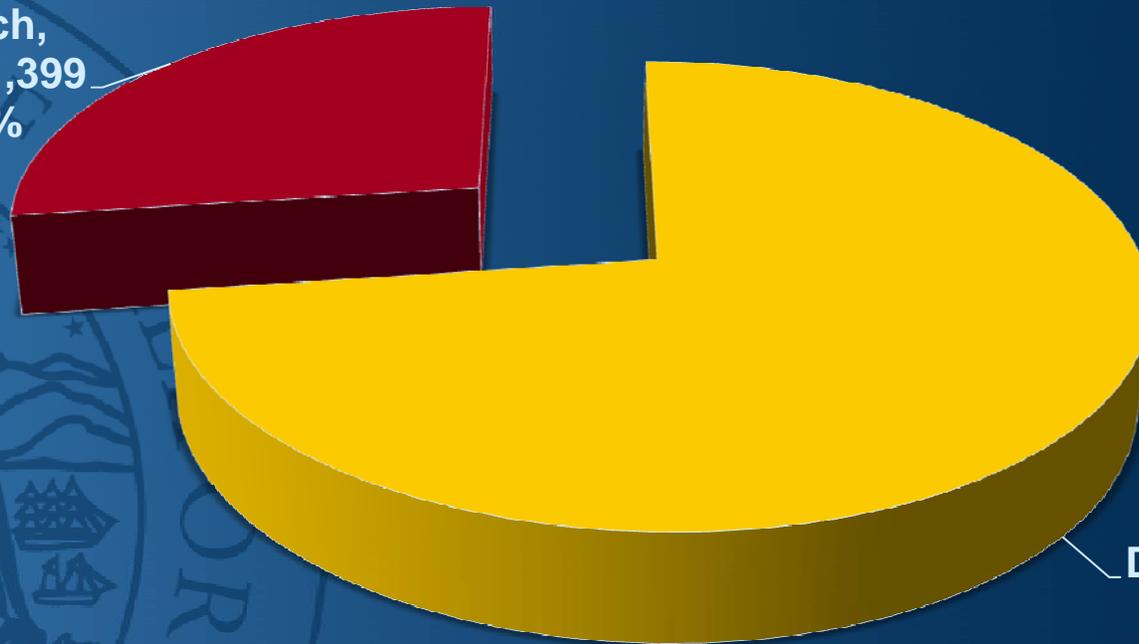
# Family Law Facilitator Program FY14/15 (Total FLF Funding \$15,170,942)



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# Family Law Facilitator Program State Match FY14/15 \$5,084,851

Court State  
Match,  
\$1,421,399  
28%



DCSS State  
Match,  
\$3,663,452  
72%



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