Child Support Commissioner
and Family Law Facilitator
Funding Overview

AB 1058 Funding Allocation Joint Subcommittee

Anna L. Maves
Child Support Program Manager/Senior Attorney
Judicial Council
Center for Families Children & the Courts
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
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
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
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
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
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
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
Child Support Commissioner Program
Budgeted Expenditures by Category FY 14/15

- Salaries: $18,791,198 (42%)
- Benefits: $12,927,880 (29%)
- Indirect Costs, $5,836,525 (13%)
- Operating Expenses, $7,100,286 (16%)

Total Budgeted Expenditures: $45,666,899
Family Law Facilitator Program
Budgeted Expenditures by Category FY 14/15

- Salaries, $6,907,437 (46%)
- Operating Expenses, $1,562,309 (10%)
- Indirect Cost, $2,151,827 (14%)
- Benefits, $4,617,738 (30%)
Child Support Commissioner Program
FY 14/15
(Total Funding $44,358,615)

DCSS Share of Cost, $10,708,660 24%

Court Share of Cost, $4,159,096 10%

Federal Share of Cost, $29,490,857 66%
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%
Family Law Facilitator Program
FY14/15
(Total FLF Funding $15,170,942)

- DCSS Share of Cost, $3,663,452 (24%)
- Federal Share of Cost, $10,086,091 (66%)
- Court Share of Cost, $1,421,399 (10%)
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%)