

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

P.O. Box 419064, Rancho Cordova, CA 95741-9064



October 10, 2003

CSSIN LETTER: 03-16

ALL IV-D DIRECTORS
 ALL COUNTY ADMINISTRATIVE OFFICERS
 ALL BOARDS OF SUPERVISORS

SUBJECT: CHILD SUPPORT LEGISLATION 2003-2004

The Governor recently signed legislation related to child support services. The purpose of this letter is to provide you with general information on those bills. Any required regulations or policy instructions will be provided under a separate letter.

AB 308 (Montanez) Chapter 17 Effective January 1, 2004

Requires the clerk of the court to give priority to the application for, and issuance of, writs of execution for child or spousal support orders and judgments ahead of other orders and judgments. AB 308 makes the following changes:

- Gives priority to the issuance of writs of execution for child and spousal support orders thereby eliminating financial hardships on families dependent on the money to pay basic living expenses.

AB 738 (Jackson) Chapter 308 Effective January 1, 2004

Establishes the Quality Assurance and Performance Improvement Program (QAPI) that the Department of Child Support Services (DCSS) and local child support agencies (LCSAs) will utilize to focus on improving program performance. This will ensure improved statewide performance in California's child support program and improve the State's ability to maximize federal incentive funds. In addition, the bill will change the compliance review process to one in which a random statewide sample is utilized and LCSAs review small case samples on a quarterly basis. AB 738 makes the following changes:

<u>Reason for this Transmittal</u>	
<input type="checkbox"/>	State Law or Regulation Change
<input type="checkbox"/>	Federal Law or Regulation Change
<input type="checkbox"/>	Court Order or Settlement Change
<input type="checkbox"/>	Clarification requested by One or More Counties
<input checked="" type="checkbox"/>	Initiated by DCSS



- Requires LCSAs to conduct an annual performance planning process in which overall program performance is evaluated and steps are identified to bring about performance improvement.
- Requires the preparation of an annual QAPI plan which would include performance targets and an action plan for achieving those targets.
- Requires LCSAs to conduct quarterly self-assessments in which they will review current program data to determine performance trends, evaluate the extent to which they are successfully implementing the action plan, and conduct a review of small case samples to determine the extent to which they are meeting case management and data reliability standards.
- Reduces to at least every three years, the requirement for each LCSA to conduct a comprehensive compliance review except for those LCSAs found to be out of compliance.
- Adds a limited, random statewide sample to meet the annual federal self-assessment requirement.
- Deletes the requirement to conduct management reviews in bottom quartile counties.
- Clarifies the definition of LCSAs to include regionalized counties. Amends several code sections to reflect current practices conducted at the local level. Deletes out-dated code sections and clarifies the timing of legislative reports based on federal fiscal year.

AB 739 (Jackson) Chapter 387 Effective January 1, 2004

Establishes the Child Support Payment Trust Fund within the State Treasury that will be administrated by DCSS for the collection and timely distribution of child support payments related to the federally mandated State Disbursement Unit (SDU). AB 739 makes the following changes:

- Authorizes DCSS to establish and administer a revolving account within the Child Support Payment Trust Fund in the amount of \$600 million to ensure the timely disbursement of child support payments. Allows this amount to be adjusted by the Director of Finance, based upon notification to the Legislature, in order to meet payment timeframes required under federal law.
- Establishes the following order in which the State share of the interest and other earnings that accrues on the fund shall be used to offset the General Fund costs: 1) any transfers made to the Child Support Payment Trust Fund from the General Fund, 2) the cost of administering the SDU, subject to appropriation by

the Legislature, and 3) other child support program activities, subject to appropriation by the Legislature.

- Expresses legislative intent to provide transfers from the State General Fund to provide the necessary start-up funds for the Child Support Payment Trust Fund.
- Allows the DCSS to enter into a trust agreement with a trustee or fiscal intermediary to receive or disburse child support collections and allows any trust accounts created by the trust agreement to be held outside the State Treasury.
- Requires close out activities upon the transfer of collection and disbursement activities from each county to the SDU to ensure accountability of all collections, obligations, and payments. These activities will be performed by each local child support agency director and the county's auditor and controller who will certify the results and submit them to DCSS within one year of the transfer of the collection and distribution functions to the State. Also allows DCSS to contract for the audit of each county's submitted report.
- Requires that all child support collections remaining undisbursed and the interest earned be transferred to the DCSS for deposit in the Child Support Payment Trust Fund.

AB 1710 (Committee on Judiciary) Chapter 365 Effective January 1, 2004

Makes technical and clarifying changes to various code sections. AB 1710 makes the following changes:

- Amends Family Code Section 7121 to change references from the "district attorney" to the "local child support agency" which will now require the clerk of the court to provide notice to the *local child support agency* before the petition for a declaration of emancipation is heard.

SB 60 (Cedillo) Chapter 326 Effective January 1, 2004

Makes several changes regarding the issuance of driver's licenses and identification cards by the Department of Motor Vehicles (DMV).

- Requires an applicant for a driver's license to provide DMV with a social security number.
- Allows an applicant for a driver's license or identification card to provide an affidavit, signed under penalty of perjury, attesting that he or she is not presently eligible for a social security number and to submit a taxpayer identification number or other identifier, as approved by DMV.
- Requires that once the applicant obtains a social security number, the social security number is to be submitted to DMV.

CSSIN Letter: 03-16

October 10, 2003

Page 4

- Provides DMV the authority to not complete any application for a driver's license that does not include the applicant's social security number or a signed affidavit under penalty of perjury.

Information on legislative bills and bill text is available from the California Legislative Home Page on the Internet. The address is: www.leginfo.ca.gov.

If you have any questions pertaining to the information contained in this letter, please contact me at (916) 464-5502.

Sincerely,

SUSAN R. TUREK
Assistant Director
Office of Legislative Services