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AB-207 Human services omnibus. (2021-2022)

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Assembly Bill No. 207

CHAPTER 573

An act to amend Sections 4007.5, 4054, and 4058 of, to amend and renumber Section 17504.1 of, and to add Sections 4077, 17504.2 and 17504.6 to, the Family Code, to amend Section 19242 of the Government Code, and to amend Sections 10544, 10553.1, 15204.35, 16501.5, and 18900.8 of, to amend, repeal, and add Sections 2200 and 11477 of, to add Sections 10553.13, 10553.14, 11157.1, and 11477.06 to, to add Chapter 5.6 (commencing with Section 16546) to Part 4 of Division 9 of, and to add and repeal Section 11477.07 of, the Welfare and Institutions Code, relating to human services, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor September 27, 2022. Filed with Secretary of State September 27, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 207, Committee on Budget. Human services omnibus.

(1) Existing law, until January 1, 2023, suspends, by operation of law, a money judgment or order for support of a child for any period exceeding 90 consecutive days in which the person ordered to pay support is incarcerated or involuntarily institutionalized unless the person owing support has the means to pay while incarcerated or involuntarily institutionalized or the person was incarcerated or involuntarily institutionalized for domestic violence against the supported party or supported child. Under existing law, the obligation resumes on the first day of the first full month after the release of the person owing support.

This bill would make the suspension effective on the first day of the first full month of incarceration or involuntary institutionalization. The bill would include involuntary confinement in a federal prison in the definition of "incarceration or involuntarily institutionalized" for this purpose. The bill would eliminate the exemption from suspension for a person owing support who was incarcerated or involuntarily institutionalized for domestic violence, thereby allowing the suspension of a money judgment or order against that person. The bill would make these provisions applicable to any child support obligation that accrues regardless of when the child support order was established.

Existing law sets a statewide uniform guideline for determining child support and requires the Judicial Council to periodically review that guideline to recommend appropriate revisions, including economic data on the cost of raising children and an analysis of guidelines and studies from other states.

The bill would require the Judicial Council to include other data in its periodic review of the statewide uniform guideline for child support, including, among other things, labor market data, such as employment and unemployment rates.

Existing law establishes a formula for determining the annual gross income of each parent, including authorizing the court to consider the earning capacity of a parent in lieu of the parent's income, consistent with the best interests of the children and the time the parent spends with the children.

This bill would require the court, when determining earning capacity for this purpose, to consider the specific circumstances of the parent, including the parent's assets, educational attainment, health, and other factors. The bill would also prohibit the court from considering incarceration or involuntary institutionalization as voluntary unemployment in establishing and modifying support orders.

(2) Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families and individuals. Under existing law, a recipient of CalWORKs aid is required to assign to the county any rights to support from any other person that the recipient may have, on their behalf, or on behalf of any other family member for whom the recipient is receiving aid, not exceeding the total amount of CalWORKs cash assistance provided to the family. Existing law requires a specified amount of child support collected in a month in payment of the required child support obligation for that month to be paid to a recipient of CalWORKs aid, and prohibits this amount from being considered income or resources of the recipient family or being deducted from the amount of aid to which the family would otherwise be eligible. Existing law requires a local child support agency that is collecting support payments on behalf of a child and who is unable to deliver the payments to the obligee to make reasonable efforts to locate the obligee for a period of 6 months and, after that period, return the undeliverable payments to the obligor, as specified.

This bill would require any amount of child support collected in a month in payment of an assigned support obligation to be passed through to a former recipient of CalWORKs aid except recipients of specified foster care payments. The bill would require the local child support agency in each county to ensure that payments are made to former recipients. The bill would require aid that cannot be delivered to a former recipient of aid for a period of 6 months to instead be sent to recoup aid paid on behalf of the recipient, as specified. The bill would make those provisions operative on July 1, 2023, or when the Department of Child Support Services provides the Legislature with a specified notification and another condition is met, whichever date is later. The bill would require the Department of Child Support Services to monitor the number of claims made after payments are sent for recoupment and to provide this information to specified committees of the Legislature no later than April 1, 2025, or 2 years and 3 months after the operative date of a provision of a statute, whichever date is later. The bill would require, no later than May 1, 2023, the Department of Social Services, in collaboration with the Department of Child Support Services, to submit a report to specified committees of each house of the Legislature providing an evaluation of the passthrough provision, as specified.

Existing law precludes a specified portion of an amount, as established by statute, of any amount of child support received each month from being considered income or resources and prohibits the specified portion of an established amount from being deducted from the amount of aid to which the assistance unit would be eligible if the income of the assistance unit, as specified, includes reasonably anticipated income derived from child support.

This bill, on January 1, 2024, or the date when the Department of Social Services has made a specified determination, whichever is later, would define the reasonably anticipated income as support, as defined, and include an amount passed through, as provided above, as an established amount, of any amount of support received from being deducted from the amount of aid to which an assistance unit would be eligible. The bill would also exempt any support payments, as defined, that does not require assignment or cooperation with a local child support agency from consideration as income and resources for purposes of determining initial and continued eligibility and grant amount for the CalWORKs program.

This bill would renumber another provision relating to the duties of local child support agencies. To the extent that this bill increases duties of a local child support agency, the bill would impose a state-mandated local program.

(3) Existing law declares a commitment by the Legislature to provide a General Fund augmentation for the Department of Child Support Services to implement a full passthrough of child support payments collected to families currently receiving CalWORKs benefits.

This bill would require the State Department of Social Services, in conjunction with the Department of Child Support Services, to convene a workgroup that consists of representatives from the Legislature, the Department of Child Support Services, and the County Welfare Directors Association of California, and advocates for low-income families with children and noncustodial parents. The bill would require the workgroup to meet at least twice to discuss unintended consequences of enacting a full passthrough of child support payments to custodial families currently receiving CalWORKs benefits. The bill would require the State Department of Social Services to submit a report, on or before April 1, 2024, to specified committees of the Legislature that, among other things, summarizes the conversations with workgroup participants, and includes proposed mitigation strategies for preventing unintended consequences of a full passthrough of child support payments to families currently receiving CalWORKs benefits.

(4) Existing law requires the State Department of Social Services to establish the CalWORKs Outcomes and Accountability Review (Cal-OAR) to facilitate a local accountability system that fosters continuous quality improvement in county CalWORKs programs and in the collection and dissemination by the department of best practices in service delivery.

Existing law requires the department to report to the chairs of specified legislative committees if it finds that a county is experiencing significantly worsening outcomes in its social service programs.

This bill would require the department to consult with the Cal-OAR workgroup in the fall of 2022 to develop recommendations to address the existing emphasis on the federal work participation rate and penalty pass-on structure while optimizing the implementation of the first cycle of the Cal-OAR process. The bill would require the department to submit recommendations to the Legislature on or before April 15, 2023.

(5) Existing law requires the State Department of Social Services to work with representatives of county human services agencies and the County Welfare Directors Association of California to develop recommendations for revising the methodology used for development of the CalWORKs single allocation annual budget.

This bill would additionally require the department to reconsider the costs of county operations for county administrative costs in the CalWORKs single allocation for the 2024–25 fiscal year, and for every 3rd fiscal year thereafter. The bill would require the department to provide information to the legislative budget committees regarding this reconsideration, as specified.

Existing law requires the department to work with representatives of county human services agencies and the County Welfare Directors Association of California to update the budgeting methodology used to determine the annual funding for county administration of the CalFresh program, and, as part of that process, to examine ongoing workload and costs to counties of expanding the CalFresh program to recipients of Supplemental Security Income and State Supplementary Payment Program benefits. Existing law requires legislative staff, advocates, and organizations that represent county workers to be consulted for those purposes.

This bill would require the department to review these county administrative costs for the 2027–28 fiscal year and every 3rd fiscal year thereafter. The bill would additionally require representatives of county human services agencies and the County Welfare Directors Association of California to be consulted for the above-described purposes. The bill would require the department to provide information to the legislative budget committees regarding this review, as specified.

(6) Existing law requires the State Department of Social Services to implement the Child Welfare Services/Case Management System (CWS/CMS) to administer and evaluate the state's child welfare services and foster care programs. Existing law also requires the department and the Office of Systems Integration (OSI) to seek resources to enable the necessary level of engagement by counties in the Child Welfare Services-New System (CWS-NS), a successor information system, as specified. Existing law requires the department and OSI to convene a regularly scheduled quarterly forum to provide project updates to stakeholders and legislative staff on, among other things, the progress of CWS-NS development and implementation.

Existing law requires counties to fully utilize the functionality provided by the replacement statewide child welfare information system when it has been implemented statewide.

This bill would authorize the department to implement and administer some of the above-described provisions relating to CWS/CMS and the replacement system through all-county letters or similar instructions, until final regulations are adopted. The bill would require the department to include an update on the development of regulations in the above-described legislative updates, and, by October 1, 2024, to provide a formal update on the status of the development of regulations to the Legislature. The bill would require the department to adopt regulations no later than 24 months after the replacement system is implemented statewide.

The bill would appropriate \$3,000,000 in federal funds to the department for the Tribally Approved Homes Compensation Program, as specified.

(7) Existing law requires a social worker, and a probation officer under certain conditions, to conduct an investigation to identify and locate adult relatives of a child who has been taken into temporary custody, as specified, and to provide them with a notification that the child has been removed from the custody of the child's parents, guardians, or Indian custodian, and an explanation of the various options to participate in the care and placement of the child.

Existing law requires the State Department of Social Services to allocate certain funds through contracts with community-based providers or entities or through local assistance allocations to counties or Indian tribes that support new or expanded programs, services, practices, and training that build system capacity and ensure the provision of a high-quality continuum of care that is designed to support foster children in the least restrictive setting that is consistent with a child's permanency plan. Existing law requires recipients to use the funds for specified purposes, including, among others, family finding and engagement.

This bill would establish, subject to an appropriation, the Excellence in Family Finding, Engagement, and Support Program, to be administered by the department. The bill would require the department to develop an allocation methodology for counties that elect to receive funds under the program and would require the department to make funds available to participating counties according to the allocation methodology on or before March 1, 2023. The bill would require a county that elects to participate in the program to provide a match of local funds, as specified, equal to $\frac{1}{2}$ of all state funds provided to the county under the program.

This bill would also require the department to consult with Indian tribes to develop an allocation methodology and procedures for program participation for Indian tribes, consortia of tribes, or tribal organizations.

Under this bill, allocated funds and the local match provided by counties would be used for specialized permanency work, with a focus on establishing and maintaining permanent connections for foster children, including specified activities. The bill would require a county to provide information to the department on which of the activities the participating county has performed. The bill would authorize a participating county to elect to contract with a nonprofit community-based organization to provide services pursuant to the program. The bill would require funds allocated under the program to be used to supplement, but not supplant, funds for existing family finding and engagement programs, and would require counties to maintain records demonstrating that program funds have not supplanted funding for existing programs.

This bill would require the department to establish procedures for program data collection and reporting by counties and participating tribal entities, and would require the department to establish procedures for tracking and reporting program outcomes measures, as specified.

This bill would require the department, subject to an appropriation, to establish, or contract for the establishment of, the Center for Excellence in Family Finding, Engagement, and Support. The bill would require the center to provide, or contract for the provision of, multitiered, culturally appropriate training and technical assistance to county child welfare and probation departments, participating tribes, and foster care providers, as specified. The bill would require the center to train family finding and engagement program staff to ensure model fidelity and best practices.

This bill would exempt contracts entered into or amended for purposes of the program from specified public contracting requirements and would authorize the department to implement the program through all-county letters or similar written instructions, without taking any further regulatory action.

(8) Existing federal law, the Indian Child Welfare Act of 1978 (ICWA), governs the proceedings for determining the placement of an Indian child when that child is removed from the custody of the child's parent or guardian. Existing law specifies that the state is committed to protecting the essential tribal relations and best interest of an Indian child by promoting practices in accordance with ICWA. Existing law authorizes a federally recognized tribe to approve a home for the purpose of foster or adoptive placement of an Indian child pursuant to ICWA, and authorizes a tribe to designate a tribal organization to do the same.

This bill would establish the Tribally Approved Homes Compensation Program to provide funding to federally recognized Indian tribes to assist in funding the costs associated with recruiting and approving homes for the purpose of foster or adoptive placement of an Indian child pursuant to ICWA, as described above. The bill, subject to an appropriation for this purpose in the annual Budget Act, would require the State Department of Social Services to provide an annual allocation of \$75,000 to those eligible tribes, except that if the annual Budget Act provides for an allocation of more than \$75,000 per eligible tribe, then each eligible tribe would receive an adjusted allocation, as specified. The bill would require an Indian tribe, in order to be eligible for the funding allocation, to enter into an agreement, as specified, with the department on or before May 1 prior to the fiscal year for which funding is requested, and would require an Indian tribe that receives funding to submit a progress report describing how the tribe administered the funds to the department on or before September 1 following the close of the fiscal year in which the tribe received a funding allocation. The bill would require the department to annually provide to the budget committees of the Legislature a report summarizing the information and data provided by the Indian tribes in their progress reports.

This bill would also establish the Tribal Dependency Representation Program to provide funding to assist any federally recognized Indian tribe located in California, or with lands that extend into California, in funding legal counsel to represent the Indian tribe in a California Indian child custody proceeding that is initiated or ongoing in the juvenile court. The bill would require an Indian tribe that seeks funding for this purpose to submit an annual letter of interest to the department. The bill would require the department, subject to an appropriation in the annual Budget Act for this purpose, to provide each Indian tribe that enters into a specified agreement and submits a letter of interest an annual base allocation of \$15,000 for legal counsel, except that if the annual Budget Act provides for an allocation of funds of more than \$15,000 per eligible tribe, then each eligible tribe would receive an adjusted allocation, as specified. The bill would require an Indian tribe that receives funds to submit a progress report regarding the number of Indian child custody proceeding hearings to the department on or before September 30 following the close of the fiscal year in which funding was received.

This bill would authorize the department to issue written guidance to implement, interpret, or make specific these provisions without taking any regulatory action.

(9) Existing law creates the Office of Youth and Community Restoration within the California Health and Human Services Agency to promote trauma-responsive, culturally informed services for youth involved in the juvenile justice system, as specified. Existing law grants the office the responsibility and authority to report on youth outcomes, identify policy recommendations, identify and disseminate best practices, and provide technical assistance to develop and expand local youth diversion opportunities. Existing law requires the office to have an ombudsperson, as specified.

This bill would, until January 1, 2028, authorize the office to establish grantmaking programs with the funding designated in the Budget Act of 2021 and with other funding available for that purpose by means of information notices without taking further regulatory action. The bill would, until January 1, 2028, authorize the office to enter into exclusive or nonexclusive contracts, or amend existing contracts, on a bid or negotiated basis for purposes of implementing activities funded by the Budget Act of 2021 and other funding available for these purposes and would exempt those contracts from compliance with specified laws.

(10) Existing law specifically grants the Department of Human Resources the powers, duties, and authority necessary to operate the state civil service system in accordance with Article VII of the California Constitution, the Government Code, the merit principle, and applicable rules duly adopted by the State Personnel Board. Existing law creates the Limited Examination and Appointment Program (LEAP), which the Department of Human Resources administers, to provide an alternative to the traditional civil service examination and appointment process to facilitate the hiring of persons with disabilities. Existing law also repeals, on January 1, 2023, certain provisions of LEAP regarding conducting competitive examinations to determine the qualifications and readiness of persons with disabilities for state employment.

This bill would extend the repeal date to January 1, 2024.

(11) This bill would incorporate additional changes to Section 2200 of the Welfare and Institutions Code proposed by AB 2417 to be operative only if this bill and AB 2417 are enacted and this bill is enacted last.

(12) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(13) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Federal law provides states an option to pass through collections of permanently assigned arrears to formerly assisted families and waive the federal share of recoupment, if the state passes the entire collection to the family.

(b) Passing on these funds may help low-income families reduce the burden of high-cost debt or stabilize their financial position. However, increased income to families may have some incidental impact to eligibility of programs such as CalFresh, the Special Supplemental Food Program for Women, Infants, and Children or childcare subsidies.

(c) It is the intent of the Legislature to continue to evaluate how to reduce the unintended impact these passthrough collections could have on an individual's or family's eligibility for other need-based assistance programs.

SEC. 2. Section 4007.5 of the Family Code is amended to read:

4007.5. (a) Every money judgment or order for support of a child shall be suspended, by operation of law, for any period exceeding 90 consecutive days in which the person ordered to pay support is incarcerated or involuntarily institutionalized, unless the person owing support has the means to pay support while incarcerated or involuntarily institutionalized.

(b) The child support obligation shall be suspended effective on the first day of the first full month of incarceration or involuntary institutionalization and shall resume on the first day of the first full month after the release of the person owing support in the amount previously ordered, and that amount is presumed to be appropriate under federal and state law. This section does not preclude a person owing support from seeking a modification of the child support order pursuant to Section 3651, based on a change in circumstances or any other appropriate reason.

(c) (1) A local child support agency enforcing a child support order under Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.) may, upon written notice of the proposed adjustment to the support obligor and obligee along with a blank form provided for the support obligor or obligee to object to the administrative adjustment to the local child support agency, administratively adjust account balances for a money judgment or order for support of a child suspended pursuant to subdivision (a) if all of the following occurs:

(A) The agency verifies that arrears and interest were accrued in violation of this section.

(B) The agency verifies that, to the extent known to the agency, the person owing support does not have the means to pay support while incarcerated or involuntarily institutionalized.

(C) Neither the support obligor nor obligee objects, within 30 days of receipt of the notice of proposed adjustment, whether in writing or by telephone, to the administrative adjustment by the local child support agency.

(2) If either the support obligor or obligee objects to the administrative adjustment set forth in this subdivision, the agency shall not adjust the order, but shall file a motion with the court to seek to adjust the arrears and shall serve copies of the motion on the parties, who may file an objection to the agency's motion with the court. The obligor's arrears shall not be adjusted unless the court approves the adjustment.

(3) The agency may perform this adjustment without regard to whether it was enforcing the child support order at the time the parent owing support qualified for relief under this section.

(d) This section does not prohibit the local child support agency or a party from petitioning a court for a determination of child support or arrears amounts.

(e) For purposes of this section, the following definitions shall apply:

(1) "Incarcerated or involuntarily institutionalized" includes, but is not limited to, involuntary confinement to a federal or state prison, a county jail, a juvenile facility operated by the Division of Juvenile Facilities in the Department of Corrections and Rehabilitation, or a mental health facility.

(2) "Suspend" means that the payment due on the current child support order, an arrears payment on a preexisting arrears balance, or interest on arrears created during a qualifying period of incarceration pursuant to this section is, by operation of law, set to zero dollars (\$0) for the period in which the person owing support is incarcerated or involuntarily institutionalized.

(f) This section applies to any child support obligation that accrues on or after the enactment of this section regardless of when the child support order was established.

(g) The Department of Child Support Services shall, by July 1, 2023 and in consultation with the Judicial Council, develop forms to implement this section.

(h) On or before January 1, 2026, the Department of Child Support Services, in consultation with the Judicial Council, shall conduct an evaluation of the effectiveness of the administrative adjustment process authorized by this section and shall report the results of the review, as well as any recommended changes, to the Assembly Judiciary Committee and the Senate Judiciary Committee. The evaluation shall include a review of the ease of the process to both the obligor and obligee, as well as an analysis of the number of cases administratively adjusted, the number of cases adjusted in court, and the number of cases not adjusted.

(i) It is the intent of the Legislature to ensure qualified persons are provided the support suspension by operation of law for qualified periods of incarceration or involuntary institutionalization that existed during the operative terms of the earlier versions of this statute regardless of whether the judicial or administrative determination of arrears is made before or after the repeal of the statute, if the earlier version of the statute provided for the money judgment or order for support to be suspended by operation of law. This subdivision is declarative of existing law.

SEC. 3. Section 4054 of the Family Code is amended to read:

4054. (a) The Judicial Council shall periodically review the statewide uniform guideline to recommend to the Legislature appropriate revisions.

(b) The review shall include all of the following:

(1) Economic data on the cost of raising children.

(2) Labor market data, such as unemployment rates, employment rates, hours worked, and earnings, by occupation and skill level for the state and local job markets.

(3) The impact of guideline policies and amounts on custodial and noncustodial parents who have family incomes below 200 percent of the federal poverty level.

(4) Factors that influence employment rates among custodial and noncustodial parents and compliance with child support orders.

(5) An analysis of case data, gathered through sampling or other methods, on the actual application of, and deviations from, the guideline after the guideline's operative date, as well as the rates of orders entered by default, orders entered based on

presumed income and earning capacity, and orders determined using the low-income adjustment.

(6) An analysis of guidelines and studies from other states, and other research and studies available to or undertaken by the Judicial Council.

(7) A comparison of payments on child support orders by case characteristics, including whether the order was entered by default, based on earning capacity or presumed income, or determined using the low-income adjustment.

(8) Any additional factors required by federal regulations.

(c) Any recommendations for revisions to the guideline shall be made to ensure that the guideline results in appropriate child support orders, to limit deviations from the guideline, or otherwise to help ensure that the guideline is in compliance with federal law.

(d) The Judicial Council may also review and report on other matters, including, but not limited to, the following:

(1) The treatment of the income of a subsequent spouse or nonmarital partner.

(2) The treatment of children from prior or subsequent relationships.

(3) The application of the guideline in a case where a payer parent has extraordinarily low or extraordinarily high income, or where each parent has primary physical custody of one or more of the children of the marriage.

(4) The benefits and limitations of a uniform statewide spousal support guideline and the interrelationship of that guideline with the state child support guideline.

(5) Whether the use of gross or net income in the guideline is preferable.

(6) Whether the guideline affects child custody litigation or the efficiency of the judicial process.

(7) Whether the various assumptions used in computer software used by some courts to calculate child support comport with state law and should be made available to parties and counsel.

(e) The initial review by the Judicial Council shall be submitted to the Legislature and to the Department of Child Support Services on or before December 31, 1993, and subsequent reviews shall occur at least every four years thereafter unless federal law requires a different interval.

(f) In developing its recommendations, the Judicial Council shall consult with a broad cross-section of groups involved in child support issues, including, but not limited to, the following:

(1) Custodial and noncustodial parents.

(2) Representatives of established women's rights and fathers' rights groups.

(3) Representatives of established organizations that advocate for the economic well-being of children.

(4) Members of the judiciary, district attorney's offices, the Attorney General's office, and the Department of Child Support Services.

(5) Certified family law specialists.

(6) Academicians specializing in family law.

(7) Persons representing low-income parents.

(8) Persons representing recipients of assistance under the CalWORKs program seeking child support services.

(9) Persons representing currently or formerly incarcerated parents.

(g) In developing its recommendations, the Judicial Council shall seek public comment and shall be guided by the legislative intent that children share in the standard of living of both of their parents.

SEC. 4. Section 4058 of the Family Code is amended to read:

4058. (a) The annual gross income of each parent means income from whatever source derived, except as specified in subdivision (c) and includes, but is not limited to, the following:

(1) Income such as commissions, salaries, royalties, wages, bonuses, rents, dividends, pensions, interest, trust income, annuities, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, social security benefits, and spousal support actually received from a person not a party to the proceeding to establish a child support order under this article.

(2) Income from the proprietorship of a business, such as gross receipts from the business reduced by expenditures required for the operation of the business.

(3) In the discretion of the court, employee benefits or self-employment benefits, taking into consideration the benefit to the employee, any corresponding reduction in living expenses, and other relevant facts.

(b) (1) The court may, in its discretion, consider the earning capacity of a parent in lieu of the parent's income, consistent with the best interests of the children, taking into consideration the overall welfare and developmental needs of the children, and the time that parent spends with the children.

(2) When determining the earning capacity of the parent pursuant to this subdivision, the court shall consider the specific circumstances of the parent, to the extent known. Those circumstances include, but are not limited to, the parent's assets, residence, employment and earnings history, job skills, educational attainment, literacy, age, health, criminal record and other employment barriers, and record of seeking work, as well as the local job market, the availability of employers willing to hire the parent, prevailing earnings levels in the local community, and other relevant background factors affecting the parent's ability to earn.

(3) Notwithstanding any other law, the incarceration or involuntary institutionalization of a parent shall not be treated as voluntary unemployment in establishing or modifying support orders regardless of the nature of the offense. "Incarcerated or involuntarily institutionalized" has the same meaning as subdivision (e) of Section 4007.5.

(c) Annual gross income does not include any income derived from child support payments actually received, and income derived from any public assistance program, eligibility for which is based on a determination of need. Child support received by a party for children from another relationship shall not be included as part of that party's gross or net income.

SEC. 5. Section 4077 is added to the Family Code, to read:

4077. The Department of Child Support Services and the Judicial Council shall meet and confer, no later than November 21, 2022, and each entity shall submit its own report to the Assembly Committee on Budget and the Senate Committee on Budget and Fiscal Review and the Assembly and Senate Committees on Judiciary on what additional legislative changes are required to comply with the federal child support regulations revised in 81 Federal Register 93492 (Dec. 20, 2016), if any, which shall consider the most recent review of the statewide child support guideline completed pursuant to Section 4054, and identify any points of agreement and any difference of interpretation, perspective, or opinion between the entities regarding the legislative changes required.

SEC. 6. Section 17504.1 of the Family Code is amended and renumbered to read:

17504.4. On a monthly basis, the local child support agency shall provide to any CalWORKs recipient or former recipient for whom an assignment pursuant to subdivision (a) of Section 11477 of the Welfare and Institutions Code is currently effective, a notice of the amount of assigned support payments made on behalf of the recipient or former recipient or any other family member for whom public assistance is received.

SEC. 7. Section 17504.2 is added to the Family Code, to read:

17504.2. (a) (1) Any amount of support collected in a month in payment of an assigned support obligation shall be passed through to a former recipient of aid under Article 2 (commencing with Section 11250) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, except recipients of foster care payments under Article 5 (commencing with Section 11400) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code.

(2) The local child support agency in each county shall ensure that payments are made to former recipients of aid when required by this section.

(3) The Department of Child Support Services and the local child support agencies shall provide written or electronic informational materials, which shall be developed by the Department of Child Support Services in collaboration with the Department of Social Services, to child support case participants, who are former recipients of aid, to notify them of the potential impacts of passthrough collections pursuant to this section on eligibility for public benefit programs.

(b) Notwithstanding Section 17502 of the Family Code, any passthrough payments under this section that cannot be delivered to a former recipient of aid pursuant to paragraph (2) of subdivision (a) for a period of six months shall not be returned to the obligor and shall be sent to recoup aid paid on behalf of the recipient pursuant to Section 11477 of the Welfare and Institutions Code. If the former recipient of aid makes a claim for the passthrough payment within 12 months of the payment being sent to recoupment, the payment shall be removed from recoupment and sent to the former recipient of aid. The Department of Child Support Services shall monitor the number of claims made after payments are sent for recoupment. The department shall provide that information to the Legislature no later than April 1, 2025, or two years and three months after the operative date of this section as established by subdivision (e), whichever date is later.

(c) Nothing in this section shall be construed to discontinue assignments under Section 11477 of the Welfare and Institutions Code.

(d) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the State Department of Social Services and the Department of Child Support Services may implement, interpret, or make specific this section by means of all-county letters or similar instructions from the department until regulations are adopted. These all-county letters or similar written instructions shall have the same force and effect as regulations until the adoption of regulations.

(e) This section shall become operative on July 1, 2023, or on the date the department notifies the Legislature that the Child Support Enforcement System can perform the necessary automation to implement this section, and the Department of Child Support Services has developed and provided the written materials pursuant to subdivision (a), whichever date is later.

SEC. 8. Section 17504.6 is added to the Family Code, to read:

17504.6. (a) No later than May 1, 2023, the Department of Social Services, in collaboration with the Department of Child Support Services, shall submit a report to the human services and judicial policy and fiscal committees of each house of the Legislature providing an evaluation of the impact of Section 17504.2 on an individual or family's eligibility determination for other need-based assistance programs. The report shall evaluate, but is not limited to, the following:

(1) Potential unintended impacts, both negative and positive, of this subdivision.

(2) Potential solutions to address any identified unintended impacts, including whether an opt out is necessary in order to avoid negative impact to families.

(b) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 9. Section 19242 of the Government Code, as amended by Section 18 of Chapter 401 of the Statutes of 2021, is amended to read:

19242. (a) The department or its designee shall conduct competitive examinations to determine the qualifications and readiness of persons with disabilities for state employment. The examinations may include an on-the-job-performance evaluation and any other selection techniques deemed appropriate.

(b) (1) The department or its designee shall permit a person with a developmental disability to choose to complete a written examination or readiness evaluation, or to complete an internship, as described in this paragraph, in order to qualify for service in a position under the Limited Examination and Appointment Program. The use of an internship as a competitive examination of a person with a developmental disability shall consist of both of the following:

(A) Successful completion of an internship with a state agency of at least 512 hours in duration.

(B) Certification by the state agency that the employee has completed the internship and has demonstrated the skills, knowledge, and abilities necessary to successfully perform the requirements of the position.

(2) A person with a developmental disability who successfully completes the examination or internship required by this subdivision is deemed to meet the minimum qualifications, as determined by the board, for the position in which the internship was performed.

(c) Examination results may be ranked or unranked.

(d) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 10. Section 19242 of the Government Code, as amended by Section 19 of Chapter 401 of the Statutes of 2021, is amended to read:

19242. (a) The department or its designee shall conduct competitive examinations to determine the qualifications and readiness of persons with disabilities for state employment. The examinations may include an on-the-job-performance evaluation and any other selection techniques deemed appropriate. Examination results may be ranked or unranked.

(b) This section shall become operative on January 1, 2024.

SEC. 11. Section 2200 of the Welfare and Institutions Code is amended to read:

2200. (a) Commencing July 1, 2021, there is in the California Health and Human Services Agency the Office of Youth and Community Restoration.

(b) The office's mission is to promote trauma responsive, culturally informed services for youth involved in the juvenile justice system that support the youths' successful transition into adulthood and help them become responsible, thriving, and engaged members of their communities.

(c) The office shall have the following responsibility and authority:

(1) Once data becomes available as a result of the plan developed to Section 13015 of the Penal Code, develop a report on youth outcomes in the juvenile justice system.

(2) Identify policy recommendations for improved outcomes and integrated programs and services to best support delinquent youth.

(3) Identify and disseminate best practices to help inform rehabilitative and restorative youth practices, including education, diversion, re-entry, religious and victims' services.

(4) Provide technical assistance as requested to develop and expand local youth diversion opportunities to meet the varied needs of the delinquent youth population, including but not limited to sex offender, substance abuse, and mental health treatment.

(5) Report annually on the work of the Office of Youth and Community Restoration.

(d) The office shall have an ombudsperson that has the authority to do all of the following:

(1) Investigate complaints from youth.

(2) Decide, in its discretion, whether to investigate complaints from youth who are detained in the, or committed to, juvenile facilities, families, staff, and others about harmful conditions or practices, violations of laws and regulations governing facilities, and circumstances presenting an emergency situation, or refer complaints to another body for investigation.

(3) Publish and provide regular reports to the Legislature about complaints received and subsequent findings and actions taken, pursuant to Section 2200.5.

(4) Have access to, and review copies of, any record of a local agency, and contractors with local agencies, except personnel records legally required to be kept confidential. Access to records shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws. The ombudsperson shall be granted access to records during business hours with advance notice of a minimum of 48 hours to the agency in direct control of the records of the facility.

(5) Meet or communicate privately with any youth in a juvenile facility and premises within the control of a county or local agency, or a contractor with a county or local agency. The ombudsperson shall provide forty-eight hour advance notice to the agency in direct control of the facility to meet with a youth. Access shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws.

(6) Disseminate information and provide training and technical assistance to youth who are involved in the juvenile justice system, social workers, probation officers, tribal child welfare agencies, child welfare organizations, children's and youth advocacy groups, consumer and service provider organizations, and other interested parties on the rights of youth involved in the juvenile justice system and the services provided by the ombudsperson. The rights shall include rights set forth in federal and state law and regulations for youth detained in or committed to juvenile justice facilities. The information shall include methods of contacting the ombudsperson and notification that conversations with the office may be disclosed to other persons, as necessary to adequately investigate and resolve a complaint.

(7) Access, visit, and observe juvenile facilities and premises within the control of a county, or local agency, or a contractor with a county, or local agency, serving youth involved in the juvenile justice system. The ombudsperson shall be granted access to the facilities during business hours with advance notice of a minimum of 48 hours to the agency in direct control of the facility.

(e) The Office of Youth and Community Restoration shall evaluate the efficacy of local programs being utilized for realigned youth. No later than July 1, 2025, the office shall report its findings to the Governor and the Legislature.

(f) Juvenile grants shall not be awarded by the Board of State and Community Corrections without the concurrence of the office. All juvenile justice grant administration functions in the Board of State and Community Corrections shall be moved to the office no later than January 1, 2025.

(g) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the Office of Youth and Community Restoration may establish grantmaking programs with the funding designated in the Budget Act of 2021 and with other funding available for that purpose by means of information notices or other similar instructions, without taking further regulatory action.

(h) The Office of Youth and Community Restoration may enter into exclusive or nonexclusive contracts, or amend existing contracts, on a bid or negotiated basis for purposes of implementing those activities funded by the Budget Act of 2021 and other funding available for these purposes. Contracts entered into or amended pursuant to this section are exempt from Chapter 6 (commencing with Section 14825) of Part 5.5 of Division 3 of Title 2 of the Government Code, Section 19130 of the Government Code, Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code, the State Administrative Manual, and the State Contracting Manual, and are exempt from the review or approval of any division of the Department of General Services.

(i) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

SEC. 11.5. Section 2200 of the Welfare and Institutions Code is amended to read:

2200. (a) Commencing July 1, 2021, there is in the California Health and Human Services Agency the Office of Youth and Community Restoration.

(b) The office's mission is to promote trauma responsive, culturally informed services for youth involved in the juvenile justice system that support the youths' successful transition into adulthood and help them become responsible, thriving, and engaged members of their communities.

(c) The office shall have the following responsibility and authority:

(1) Once data becomes available as a result of the plan developed to Section 13015 of the Penal Code, develop a report on youth outcomes in the juvenile justice system.

(2) Identify policy recommendations for improved outcomes and integrated programs and services to best support delinquent youth.

(3) Identify and disseminate best practices to help inform rehabilitative and restorative youth practices, including education, diversion, re-entry, religious and victims' services.

(4) Provide technical assistance as requested to develop and expand local youth diversion opportunities to meet the varied needs of the delinquent youth population, including but not limited to sex offender, substance abuse, and mental health treatment.

(5) Report annually on the work of the Office of Youth and Community Restoration.

(d) The office shall have an ombudsperson that has the authority to do all of the following:

(1) Investigate complaints from youth.

(2) Decide, in its discretion, whether to investigate complaints from youth who are detained in the, or committed to, juvenile facilities, families, staff, and others about harmful conditions or practices, violations of laws and regulations governing facilities, and circumstances presenting an emergency situation, or refer complaints to another body for investigation.

(3) Publish and provide regular reports to the Legislature about complaints received and subsequent findings and actions taken, pursuant to Section 2200.5.

(4) Have access to, and review copies of, any record of a local agency, and contractors with local agencies, except personnel records legally required to be kept confidential. Access to records shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws. The ombudsperson shall be granted access to records during business hours with advance notice of a minimum of 48 hours to the agency in direct control of the records of the facility.

(5) Meet or communicate privately with any youth in a juvenile facility and premises within the control of a county or local agency, or a contractor with a county or local agency. The ombudsperson shall provide forty-eight hour advance notice to the

agency in direct control of the facility to meet with a youth. Access shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws.

(6) Disseminate information and provide training and technical assistance to youth who are involved in the juvenile justice system, social workers, probation officers, tribal child welfare agencies, child welfare organizations, children's and youth advocacy groups, consumer and service provider organizations, and other interested parties on the rights of youth involved in the juvenile justice system and the services provided by the ombudsperson. The rights shall include rights set forth in federal and state law and regulations for youth detained in or committed to juvenile justice facilities. The information shall include methods of contacting the ombudsperson and notification that conversations with the office may be disclosed to other persons, as necessary to adequately investigate and resolve a complaint.

(7) Access, visit, and observe juvenile facilities and premises within the control of a county, or local agency, or a contractor with a county, or local agency, serving youth involved in the juvenile justice system. The ombudsperson shall be granted access to the facilities during business hours with advance notice of a minimum of 48 hours to the agency in direct control of the facility.

(e) The Division of the Ombudsperson of the Office of Youth and Community Restoration shall design posters and provide the posters to each juvenile facility operator subject to Section 224.72. These posters shall include the toll-free telephone number of the Ombudsperson of the Office of Youth and Community Restoration.

(f) Consistent with Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1 of the Government Code, on or before July 1, 2023, the Office of Youth and Community Restoration shall ensure the listing of rights and posters described in this section are translated into Spanish and other languages as determined necessary and distribute to each juvenile facility operator.

(g) The Office of Youth and Community Restoration shall evaluate the efficacy of local programs being utilized for realigned youth. No later than July 1, 2025, the office shall report its findings to the Governor and the Legislature.

(h) Juvenile grants shall not be awarded by the Board of State and Community Corrections without the concurrence of the office. All juvenile justice grant administration functions in the Board of State and Community Corrections shall be moved to the office no later than January 1, 2025.

(i) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the Office of Youth and Community Restoration may establish grantmaking programs with the funding designated in the Budget Act of 2021 and with other funding available for that purpose by means of information notices or other similar instructions, without taking further regulatory action.

(j) The Office of Youth and Community Restoration may enter into exclusive or nonexclusive contracts, or amend existing contracts, on a bid or negotiated basis for purposes of implementing those activities funded by the Budget Act of 2021 and other funding available for these purposes. Contracts entered into or amended pursuant to this section are exempt from Chapter 6 (commencing with Section 14825) of Part 5.5 of Division 3 of Title 2 of the Government Code, Section 19130 of the Government Code, Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code, the State Administrative Manual, and the State Contracting Manual, and are exempt from the review or approval of any division of the Department of General Services.

(k) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

SEC. 12. Section 2200 is added to the Welfare and Institutions Code, to read:

2200. (a) Commencing July 1, 2021, there is in the California Health and Human Services Agency the Office of Youth and Community Restoration.

(b) The office's mission is to promote trauma-responsive, culturally informed services for youth involved in the juvenile justice system that support the youths' successful transition into adulthood and help them become responsible, thriving, and engaged members of their communities.

(c) The office shall have the following responsibility and authority:

(1) Once data becomes available as a result of the plan developed to Section 13015 of the Penal Code, develop a report on youth outcomes in the juvenile justice system.

(2) Identify policy recommendations for improved outcomes and integrated programs and services to best support delinquent youth.

(3) Identify and disseminate best practices to help inform rehabilitative and restorative youth practices, including education, diversion, re-entry, religious and victims' services.

(4) Provide technical assistance as requested to develop and expand local youth diversion opportunities to meet the varied needs of the delinquent youth population, including but not limited to sex offender, substance abuse, and mental health treatment.

(5) Report annually on the work of the Office of Youth and Community Restoration.

(d) The office shall have an ombudsperson that has the authority to do all of the following:

(1) Investigate complaints from youth.

(2) Decide, in its discretion, whether to investigate complaints from youth who are detained in the, or committed to, juvenile facilities, families, staff, and others about harmful conditions or practices, violations of laws and regulations governing facilities, and circumstances presenting an emergency situation, or refer complaints to another body for investigation.

(3) Publish and provide regular reports to the Legislature about complaints received and subsequent findings and actions taken, pursuant to Section 2200.5.

(4) Have access to, and review copies of, any record of a local agency, and contractors with local agencies, except personnel records legally required to be kept confidential. Access to records shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws. The ombudsperson shall be granted access to records during business hours with advance notice of a minimum of 48 hours to the agency in direct control of the records of the facility.

(5) Meet or communicate privately with any youth in a juvenile facility and premises within the control of a county or local agency, or a contractor with a county or local agency. The ombudsperson shall provide forty-eight hour advance notice to the agency in direct control of the facility to meet with a youth. Access shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws.

(6) Disseminate information and provide training and technical assistance to youth who are involved in the juvenile justice system, social workers, probation officers, tribal child welfare agencies, child welfare organizations, children's and youth advocacy groups, consumer and service provider organizations, and other interested parties on the rights of youth involved in the juvenile justice system and the services provided by the ombudsperson. The rights shall include rights set forth in federal and state law and regulations for youth detained in or committed to juvenile justice facilities. The information shall include methods of contacting the ombudsperson and notification that conversations with the office may be disclosed to other persons, as necessary to adequately investigate and resolve a complaint.

(7) Access, visit, and observe juvenile facilities and premises within the control of a county, or local agency, or a contractor with a county, or local agency, serving youth involved in the juvenile justice system. The ombudsperson shall be granted access to the facilities during business hours with advance notice of a minimum of 48 hours to the agency in direct control of the facility.

(e) The Office of Youth and Community Restoration shall evaluate the efficacy of local programs being utilized for realigned youth. No later than July 1, 2025, the office shall report its findings to the Governor and the Legislature.

(f) Juvenile grants shall not be awarded by the Board of State and Community Corrections without the concurrence of the office. All juvenile justice grant administration functions in the Board of State and Community Corrections shall be moved to the office no later than January 1, 2025.

(g) This section shall become operative on January 1, 2028.

SEC. 12.5. Section 2200 is added to the Welfare and Institutions Code, to read:

2200. (a) Commencing July 1, 2021, there is in the California Health and Human Services Agency the Office of Youth and Community Restoration.

(b) The office's mission is to promote trauma-responsive, culturally informed services for youth involved in the juvenile justice system that support the youths' successful transition into adulthood and help them become responsible, thriving, and engaged members of their communities.

(c) The office shall have the following responsibility and authority:

(1) Once data becomes available as a result of the plan developed to Section 13015 of the Penal Code, develop a report on youth outcomes in the juvenile justice system.

(2) Identify policy recommendations for improved outcomes and integrated programs and services to best support delinquent youth.

(3) Identify and disseminate best practices to help inform rehabilitative and restorative youth practices, including education, diversion, re-entry, religious and victims' services.

(4) Provide technical assistance as requested to develop and expand local youth diversion opportunities to meet the varied needs of the delinquent youth population, including but not limited to sex offender, substance abuse, and mental health treatment.

(5) Report annually on the work of the Office of Youth and Community Restoration.

(d) The office shall have an ombudsperson that has the authority to do all of the following:

(1) Investigate complaints from youth.

(2) Decide, in its discretion, whether to investigate complaints from youth who are detained in the, or committed to, juvenile facilities, families, staff, and others about harmful conditions or practices, violations of laws and regulations governing facilities, and circumstances presenting an emergency situation, or refer complaints to another body for investigation.

(3) Publish and provide regular reports to the Legislature about complaints received and subsequent findings and actions taken, pursuant to Section 2200.5.

(4) Have access to, and review copies of, any record of a local agency, and contractors with local agencies, except personnel records legally required to be kept confidential. Access to records shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws. The ombudsperson shall be granted access to records during business hours with advance notice of a minimum of 48 hours to the agency in direct control of the records of the facility.

(5) Meet or communicate privately with any youth in a juvenile facility and premises within the control of a county or local agency, or a contractor with a county or local agency. The ombudsperson shall provide forty-eight hour advance notice to the agency in direct control of the facility to meet with a youth. Access shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws.

(6) Disseminate information and provide training and technical assistance to youth who are involved in the juvenile justice system, social workers, probation officers, tribal child welfare agencies, child welfare organizations, children's and youth advocacy groups, consumer and service provider organizations, and other interested parties on the rights of youth involved in the juvenile justice system and the services provided by the ombudsperson. The rights shall include rights set forth in federal and state law and regulations for youth detained in or committed to juvenile justice facilities. The information shall include methods of contacting the ombudsperson and notification that conversations with the office may be disclosed to other persons, as necessary to adequately investigate and resolve a complaint.

(7) Access, visit, and observe juvenile facilities and premises within the control of a county, or local agency, or a contractor with a county, or local agency, serving youth involved in the juvenile justice system. The ombudsperson shall be granted access to the facilities during business hours with advance notice of a minimum of 48 hours to the agency in direct control of the facility.

(e) The Division of the Ombudsperson of the Office of Youth and Community Restoration shall design posters and provide the posters to each juvenile facility operator subject to Section 224.72. These posters shall include the toll-free telephone number of the Ombudsperson of the Office of Youth and Community Restoration.

(f) Consistent with Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1 of the Government Code, on or before July 1, 2023, the Office of Youth and Community Restoration shall ensure the listing of rights and posters described in this section are translated into Spanish and other languages as determined necessary and distribute to each juvenile facility operator.

(g) The Office of Youth and Community Restoration shall evaluate the efficacy of local programs being utilized for realigned youth. No later than July 1, 2025, the office shall report its findings to the Governor and the Legislature.

(h) Juvenile grants shall not be awarded by the Board of State and Community Corrections without the concurrence of the office. All juvenile justice grant administration functions in the Board of State and Community Corrections shall be moved to the office no later than January 1, 2025.

(i) This section shall become operative on January 1, 2028.

SEC. 13. Section 10544 of the Welfare and Institutions Code is amended to read:

10544. (a) If the department finds that a county is experiencing significantly worsened outcomes, it shall report this finding to the Chairs of the Senate Committee on Budget and Fiscal Review, the Assembly Committee on Budget, the Senate Committee on Health and Human Services, and the Assembly Committee on Human Services.

(b) If the state does not achieve the outcomes required by federal law and, as a result, is subject to a fiscal penalty, the penalty shall be shared equally by the state and the counties after exhaustion of all reasonable and available federal administrative remedies. If a county's single allocation pursuant to Section 15204.2 is reduced by the state to offset the county's share of any federal penalty imposed pursuant to this section, the county shall be required to utilize county general funds to replace the offset amount, so that total funding remains equal to the county's single allocation. These funds shall be in addition to the funds required to meet the maintenance-of-effort requirement pursuant to Section 15204.4. Only those counties that have failed to meet the federal requirements shall be required to share in the fiscal penalty imposed on the state. Those counties' share of the penalty imposed on the state shall equal 50 percent of that penalty. Each county's share of the penalty shall be based, in consultation with the County Welfare Directors Association, on the county's degree of performance that contributes to the failure to meet the federal requirement.

(c) A county may be provided relief, in whole or in part, from a penalty imposed pursuant to subdivision (b) if the department determines that there were circumstances beyond the control of the county. A county may also be provided relief based on the degree of success or progress in meeting federal requirements, and, to the extent that there are differences between state and federal program requirements, the degree of success in meeting state participation requirements. Any adjustment made pursuant to this subdivision shall be reported to the Chair of the Joint Legislative Budget Committee. If a county is granted relief, that portion of the total penalty shall not be imposed on the other counties that failed to meet the federal requirements.

(d) A county that fails, without good cause, to submit accurate and timely data used to measure work participation, as required by the department, shall be deemed to have failed to meet applicable federal requirements. For purposes of this subdivision, good cause includes, but is not limited to, the lack of accurate, timely, and complete instructions from the department.

(e) The amendments made to subdivision (b) by the amendment of this section in 2006 by Chapter 75 of the Statutes of 2006, clarify existing law, as enacted by Assembly Bill 1542 (Ch. 270, Stats. 1997).

(f) (1) The department shall consult with the workgroup created pursuant to Section 11523, in the fall of 2022, to develop recommendations to address the existing emphasis on the federal work participation rate and penalty pass-on structure, as described in this section, while optimizing the implementation of the first cycle of the CalWORKs Outcome and Accountability Review (Cal-OAR) process. The department shall submit a report of recommendations to the Legislature on or before April 15, 2023.

(2) A report to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 14. Section 10553.1 of the Welfare and Institutions Code is amended to read:

10553.1. (a) Notwithstanding any other law, the department shall, upon an Indian tribe's request, enter into an agreement, in accordance with Section 16000.6, and not inconsistent with Section 1919 of Title 25 of the United States Code, with any Indian tribe, tribal organization, or tribal consortium located in California or with lands that extend into this state regarding the care and custody of Indian children and jurisdiction over Indian child custody proceedings, including, but not limited to, agreements that provide for orderly adjudication of, and transfer of jurisdiction on a case-by-case basis for, cases subject to exclusive tribal or state jurisdiction, or for concurrent jurisdiction between the state and tribes.

(b) (1) There shall be no tribal share of costs for any agreement under subdivision (a).

(2) An agreement under subdivision (a) concerning the provision of child welfare services shall ensure that a tribe, tribal organization, or tribal consortium meets current service delivery standards provided for under Chapter 5 (commencing with Section 16500) of Part 4.

(3) An agreement under subdivision (a) concerning assistance payments under the AFDC-FC program shall ensure that a tribe, tribal organization, or tribal consortium meets current foster care standards provided for under Article 5 (commencing with Section 11400) of Chapter 2 of Part 3.

(4) An agreement under subdivision (a) concerning adoption assistance shall ensure that a tribe, tribal organization, or tribal consortium meets the current service delivery standards provided for under Chapter 2.1 (commencing with Section 16115) of Part 4.

(5) An agreement under subdivision (a) shall ensure that a tribe, tribal organization, or tribal consortium claims and uses all eligible federal funding available under Title IV-E of the federal Social Security Act.

(6) Notwithstanding any other law, the nonfederal costs pursuant to an agreement under this section shall be borne by the state. However, in the event that an Indian child is transferred from the jurisdiction of the tribe to the jurisdiction of the county, the nonfederal costs for the child shall be borne by the county as for any other child under the county's jurisdiction.

(c) Upon the effective date of an agreement authorized by subdivision (a), the tribe, tribal organization, or tribal consortium shall comply with fiscal reporting requirements specified by the department for federal and state reimbursement of child welfare services funds or AFDC-FC services for programs operated under the agreement.

(d) An Indian tribe, tribal organization, or tribal consortium, that is a party to an agreement under subdivision (a), shall, in accordance with the agreement, be eligible to receive allocations of child welfare services funds.

(e) An Indian tribe, tribal organization, or tribal consortium, that is a party to an agreement under subdivision (a), may, in accordance with the agreement, be eligible to receive an allocation of child welfare services funds to assist in funding the startup costs associated with establishing a comprehensive child welfare services program. The allocation shall be available for expenditure by the Indian tribe, tribal organization, or tribal consortium for three years of the agreement under subdivision (a). The department may extend the time for expenditure of the allocation upon a showing of good cause by the party seeking an extension. This subdivision shall be implemented only to the extent that funding is expressly provided in the annual Budget Act for these purposes.

(f) Implementation of an agreement under subdivision (a) does not impose liability upon, or to require indemnification by, the participating county or the State of California for any act or omission performed by an officer, agent, or employee of the participating tribe, tribal organization, or tribal consortium, pursuant to this section.

SEC. 15. Section 10553.13 is added to the Welfare and Institutions Code, to read:

10553.13. (a) (1) The Tribally Approved Homes Compensation Program is hereby established to provide funding, as described in this section, to eligible Indian tribes to assist in funding the costs associated with recruiting and approving homes for the purpose of foster or adoptive placement of an Indian child pursuant to the federal Indian Child Welfare Act, as described in Section 10553.12. Funding is limited to eligible Indian tribes as described in subdivision (b).

(2) Subject to an appropriation in the annual Budget Act for the express purpose described in paragraph (1), the department shall provide each eligible Indian tribe, as described in subdivision (b), an annual allocation of seventy-five thousand dollars (\$75,000) for the purpose described in paragraph (1). If the annual Budget Act provides for an allocation of more than seventy-five thousand dollars (\$75,000) per eligible tribe, then each eligible tribe shall receive an adjusted allocation within and for that same fiscal year. The adjusted allocation shall be based on a methodology considering the number of Indian children in foster care or prospective adoptive placements through the juvenile court. The allocation methodology and the implementation plan shall be established by the department in government-to-government consultation with tribes no later than June 30, 2023. The department shall provide an update to legislative staff and stakeholders on the progress of implementation of this section, preferably by January 1, 2023, but no later than February 1, 2023.

(3) For purposes of this section, the following definitions apply:

(A) "Department" means the State Department of Social Services.

(B) "Indian tribe" means any federally recognized Indian tribe located in California or with lands that extend into California.

(b) To be eligible for an allocation of funds under this section, an Indian tribe shall enter into an agreement with the department pursuant to subdivision (a) of Section 10553.1 or in accordance with Section 1919 of Title 25 of the United States Code. An Indian tribe may designate another entity to administer the allocation of funds on a tribe's behalf upon designation by the tribe for this purpose. The agreement shall be executed on or before May 1 prior to the fiscal year for which funding is requested and shall contain, but not be limited to, the following terms:

(1) A timeline for the distribution of funds by the department.

(2) A description of how the tribe will administer the funds.

(3) A description of the tribe's staffing needs to administer the program, including recruitment, retention, and training.

(4) The estimated number of homes the tribe will assess and potentially approve for foster or adoptive placement per year.

(5) The number of existing foster or prospective adoptive homes approved by the tribe, if applicable.

(6) A description of the existing or planned recruitment activities and processes that will be developed, including meeting criminal background check requirements.

(7) If the tribe plans to designate another entity to administer the funds, the name of that entity.

(c) An Indian tribe that receives funding pursuant to this section shall submit a progress report to the department. The progress report shall be submitted to the department on or before September 1 following the close of the fiscal year in which the tribe

received an allocation. The progress report shall include all of the following information for the fiscal year that was funded:

- (1) A description of how the tribe administered the funds.
- (2) A description of how the funds were used to meet the tribe's staffing needs to administer the program, including recruitment, retention, and training.
- (3) The number of homes the tribe assessed and approved for foster or adoptive placement for the fiscal year the funds were allocated.
- (4) The number of existing foster or prospective adoptive homes approved by the tribe, if applicable.
- (5) A description of the existing or planned recruitment activities and processes that were developed, including meeting the criminal background check requirements.

(d) The department shall annually provide to the budget committees of the Legislature a report summarizing the information and data provided by the Indian tribes in their progress reports to the department. The annual report shall be submitted to the budget committees no later than January 31 following the close of the fiscal year covered by the tribe's progress reports. The report shall include, but be not be limited to, all of the following:

- (1) The total amount of funds allocated by the department for the program.
- (2) The number of tribes that received an allocation of funds during the fiscal year and the amount of funds allocated to each tribe.
- (3) A summary of the data submitted to the department by the tribes pursuant to paragraphs (1) to (3), inclusive, of subdivision (c).

(e) The department shall seek federal approvals or waivers necessary to claim federal reimbursement under Title IV-E of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.) in order to maximize funding for the purpose described in this section.

(f) An agreement entered into pursuant to this section may be revoked by either party upon a 180-day written notice to the other party.

(g) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may issue written guidance to implement, interpret, or make specific this section without taking any regulatory action.

SEC. 16. Section 10553.14 is added to the Welfare and Institutions Code, to read:

10553.14. (a) The Tribal Dependency Representation Program is hereby established to provide funding to assist any federally recognized Indian tribe located in California, or with lands that extend into California, in funding legal counsel to represent the Indian tribe in a California Indian child custody proceeding, as defined by subdivision (d) of Section 224.1, that is initiated or ongoing in the juvenile court. An Indian tribe may designate another entity to administer the allocation of funds on a tribe's behalf upon designation by the tribe for this purpose. There shall be no tribal share of cost for any agreement executed under this section.

(b) To be eligible for an allocation of funds under this allocation, an Indian tribe shall enter into an agreement with the department pursuant to subdivision (a) of Section 10553.1 or in accordance with Section 1919 of Title 25 of the United States Code.

(c) An Indian tribe that seeks funding pursuant to this section shall submit an annual letter of interest to the State Department of Social Services. The letter shall include all of the following:

- (1) The approximate number of Indian child custody proceedings, as defined by subdivision (d) of Section 224.1, involving an Indian child who is a member of the tribe or eligible for membership in the tribe that were initiated or ongoing in the juvenile court in the preceding 12 months.
- (2) The approximate number of cases in an appellate court or the California Supreme Court involving an Indian child in which the tribe was an active participant in the preceding 12 months.
- (3) The approximate number of Indian child custody cases for which the tribe will be served by the legal counsel funded through the allocation provided by this section in the upcoming year.
- (4) If the tribe plans to designate another entity for representation, the name of that entity.

(d) Subject to an appropriation in the annual Budget Act for the express purpose described in this section, the State Department of Social Services shall provide each eligible Indian tribe, as described in subdivision (a), that enters into an agreement pursuant to subdivision (b) and submits a letter of interest pursuant to subdivision (c), an annual base allocation of fifteen thousand dollars (\$15,000) for the purpose described in subdivision (a). If the annual Budget Act provides for an allocation of funds of more than fifteen thousand dollars (\$15,000) per eligible tribe, then each eligible tribe shall receive an adjusted allocation within and for that same fiscal year. The adjusted allocation shall be based on a methodology considering the number of Indian children in foster care or prospective adoptive placements through the juvenile court. The allocation methodology and the implementation plan shall be established by the department in government-to-government consultation with tribes on or before June 30, 2023. The department shall provide an update to legislative staff and stakeholders on the progress of implementation of this section, preferably by January 1, 2023, but no later than February 1, 2023.

(e) An Indian tribe that receives funds pursuant to this section shall submit a progress report to the department. The progress report shall be submitted on or before September 30 following the close of the fiscal year in which funding was received. The report shall include all of the following information:

(1) The total number of Indian child custody proceeding hearings and the number of hearings attended by the Indian tribe with legal representation paid for with this allocation.

(2) The counties in which the hearings were held.

(3) The total number of appellate proceedings and the number of appellate proceedings in which counsel paid for with this allocation appeared on behalf of the tribe.

(f) The department shall seek federal approvals or waivers necessary to claim federal reimbursement under Title IV-E of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.) in order to maximize funding for the purpose described in this section.

(g) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement, interpret, or make specific this section without taking any regulatory action.

(h) This section shall be implemented only to the extent that funding is expressly provided in the annual Budget Act for this purpose.

(i) It is the intent of the Legislature that the state provide the adequate level of funding for legal representation for tribes in child welfare proceedings pursuant to this section, and that the state consider how well the objectives of this policy are being met with the funding appropriated in the annual Budget Act.

SEC. 17. Section 11157.1 is added to the Welfare and Institutions Code, to read:

11157.1. (a) For purposes of Chapter 2 (commencing with Section 11200), any support payments as defined in Section 150 of the Family Code received by an applicant or recipient that does not require assignment or cooperation with the local child support agency pursuant to subdivision (c) of section 11477 is exempt from consideration as income and resources for the purposes of determining initial and continued eligibility and grant amount for the CalWORKs program.

(b) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the State Department of Social Services may implement, interpret, or make specific this section by means of all-county letters or similar instructions from the department until regulations are adopted. These all-county letters or similar written instructions shall have the same force and effect as regulations until the adoption of regulations.

(c) This section shall become operative on January 1, 2024, or the date that the Department of Social Services has determined that necessary automation within the Statewide Automated Welfare System can be complete, whichever date is later.

SEC. 18. Section 11477 of the Welfare and Institutions Code is amended to read:

11477. As a condition of eligibility for aid paid under this chapter, each applicant or recipient shall do all of the following:

(a) (1) Do either of the following:

(A) For applications received before October 1, 2009, assign to the county any rights to support from any other person the applicant or recipient may have on their own behalf or on behalf of any other family member for whom the applicant or recipient is applying for or receiving aid, not exceeding the total amount of cash assistance provided to the family under this chapter. Receipt of public assistance under this chapter operates as an assignment by operation of law. An assignment of support rights to the county shall also constitute an assignment to the state. If support rights are assigned pursuant to this

subdivision, the assignee may become an assignee of record by the local child support agency or other public official filing with the court clerk an affidavit showing that an assignment has been made or that there has been an assignment by operation of law. This procedure does not limit any other means by which the assignee may become an assignee of record.

(B) For applications received on or after October 1, 2009, assign to the county any rights to support from any other person the applicant or recipient may have on their own behalf, or on behalf of any other family member for whom the applicant or recipient is applying for or receiving aid. The assignment shall apply only to support that accrues during the period of time that the applicant is receiving assistance under this chapter, and shall not exceed the total amount of cash assistance provided to the family under this chapter. Receipt of public assistance under this chapter shall operate as an assignment by operation of law. An assignment of support rights to the county shall also constitute an assignment to the state. If support rights are assigned pursuant to this subdivision, the assignee may become an assignee of record by the local child support agency or other public official filing with the court clerk an affidavit showing that an assignment has been made or that there has been an assignment by operation of law. This procedure does not limit any other means by which the assignee may become an assignee of record.

(2) Support that has been assigned pursuant to paragraph (1) and that accrues while the family is receiving aid under this chapter shall be permanently assigned until the entire amount of aid paid has been reimbursed.

(3) If the federal government does not permit states to adopt the same order of distribution for preassistance and postassistance child support arrears that are assigned on or after October 1, 1998, support arrears that accrue before the family receives aid under this chapter that are assigned pursuant to this subdivision shall be assigned as follows:

(A) Child support assigned prior to January 1, 1998, shall be permanently assigned until aid is no longer received and the entire amount of aid has been reimbursed.

(B) Child support assigned on or after January 1, 1998, but prior to October 1, 2000, shall be temporarily assigned until aid under this chapter is no longer received and the entire amount of aid paid has been reimbursed or until October 1, 2000, whichever comes first.

(C) On or after October 1, 2000, support assigned pursuant to this subdivision that was not otherwise permanently assigned shall be temporarily assigned to the county until aid is no longer received.

(D) On or after October 1, 2000, support that was temporarily assigned pursuant to this subdivision shall, when a payment is received from the federal tax intercept program, be temporarily assigned until the entire amount of aid paid has been reimbursed.

(4) If the federal government permits states to adopt the same order of distribution for preassistance and postassistance child support arrears, child support arrears shall be assigned, as follows:

(A) Child support assigned pursuant to this subdivision prior to October 1, 1998, shall be assigned until aid under this chapter is no longer received and the entire amount has been reimbursed.

(B) On or after October 1, 1998, child support assigned pursuant to this subdivision that accrued before the family receives aid under this chapter and that was not otherwise permanently assigned shall be temporarily assigned until aid under this chapter is no longer received.

(C) On or after October 1, 1998, support that was temporarily assigned pursuant to this subdivision shall, when a payment is received from the federal tax intercept program, be temporarily assigned until the entire amount of aid paid has been reimbursed.

(b) (1) Cooperate with the county welfare department and local child support agency in establishing the paternity of a child of the applicant or recipient born out of wedlock with respect to whom aid is claimed, and in establishing, modifying, or enforcing a support order with respect to a child of the individual for whom aid is requested or obtained, unless the applicant or recipient qualifies for a good cause exception pursuant to Section 11477.04. The granting of aid shall not be delayed or denied if the applicant is otherwise eligible, completes the necessary forms, and agrees to cooperate with the local child support agency in securing support and determining paternity, if applicable. The local child support agency shall have staff available, in person or by telephone, at all county welfare offices and shall conduct an interview with each applicant to obtain information necessary to establish paternity and establish, modify, or enforce a support order at the time of the initial interview with the welfare office. The local child support agency shall make the determination of cooperation. If the applicant or recipient attests under penalty of perjury that they cannot provide the information required by this subdivision, the local child support agency shall make a finding regarding whether the individual could reasonably be expected to provide the information before the local child support agency determines whether the individual is cooperating. In making the finding, the local child support agency shall consider all of the following:

(A) The age of the child for whom support is sought.

(B) The circumstances surrounding the conception of the child.

(C) The age or mental capacity of the parent or caretaker of the child for whom aid is being sought.

(D) The time that has elapsed since the parent or caretaker last had contact with the alleged father or obligor.

(2) Cooperation includes all of the following:

(A) Providing the name of the alleged parent or obligor and other information about that person if known to the applicant or recipient, such as address, social security number, telephone number, place of employment or school, and the names and addresses of relatives or associates.

(B) Appearing at interviews, hearings, and legal proceedings, provided the applicant or recipient is provided with reasonable advance notice of the interview, hearing, or legal proceeding and does not have good cause not to appear.

(C) If paternity is at issue, submitting to genetic tests, including genetic testing of the child, if necessary.

(D) Providing any additional information known to, or reasonably obtainable by, the applicant or recipient necessary to establish paternity or to establish, modify, or enforce a child support order.

(3) A recipient or applicant shall not be required to sign a voluntary declaration of paternity, as set forth in Chapter 3 (commencing with Section 7570) of Part 2 of Division 12 of the Family Code, as a condition of cooperation.

(c) (1) This section does not apply if all of the adults are excluded from the assistance unit pursuant to Section 11251.3, 11454, or 11486.5, or if all eligible adults have been subject to Section 11327.5 for at least 12 consecutive months.

(2) It is the intent of the Legislature that the regular receipt of child support in the preceding reporting period be considered in determining reasonably anticipated income for the following reporting period.

(3) In accordance with Sections 11265.2 and 11265.46, if the income of an assistance unit described in paragraph (1) includes reasonably anticipated income derived from child support, the amount established in Section 17504 of the Family Code and Section 11475.3 of the Welfare and Institutions Code of any amount of child support received each month shall not be considered income or resources and shall not be deducted from the amount of aid to which the assistance unit otherwise would be eligible.

(d) This section shall become inoperative on January 1, 2024, or the date that the Department of Social Services has determined that necessary automation within the Statewide Automated Welfare System can be complete, whichever date is later, and as of that date is repealed.

SEC. 19. Section 11477 is added to the Welfare and Institutions Code, to read:

11477. As a condition of eligibility for aid paid under this chapter, each applicant or recipient shall do all of the following:

(a) (1) Do either of the following:

(A) For applications received before October 1, 2009, assign to the county any rights to support from any other person the applicant or recipient may have on their own behalf or on behalf of any other family member for whom the applicant or recipient is applying for or receiving aid, not exceeding the total amount of cash assistance provided to the family under this chapter. Receipt of public assistance under this chapter operates as an assignment by operation of law. An assignment of support rights to the county shall also constitute an assignment to the state. If support rights are assigned pursuant to this subdivision, the assignee may become an assignee of record by the local child support agency or other public official filing with the court clerk an affidavit showing that an assignment has been made or that there has been an assignment by operation of law. This procedure does not limit any other means by which the assignee may become an assignee of record.

(B) For applications received on or after October 1, 2009, assign to the county any rights to support from any other person the applicant or recipient may have on their own behalf, or on behalf of any other family member for whom the applicant or recipient is applying for or receiving aid. The assignment shall apply only to support that accrues during the period of time that the applicant is receiving assistance under this chapter, and shall not exceed the total amount of cash assistance provided to the family under this chapter. Receipt of public assistance under this chapter shall operate as an assignment by operation of law. An assignment of support rights to the county shall also constitute an assignment to the state. If support rights are assigned pursuant to this subdivision, the assignee may become an assignee of record by the local child support agency or other public official filing with the court clerk an affidavit showing that an assignment has been made or that there

has been an assignment by operation of law. This procedure does not limit any other means by which the assignee may become an assignee of record.

(2) Support that has been assigned pursuant to paragraph (1) and that accrues while the family is receiving aid under this chapter shall be permanently assigned until the entire amount of aid paid has been reimbursed.

(3) If the federal government does not permit states to adopt the same order of distribution for preassistance and postassistance child support arrears that are assigned on or after October 1, 1998, support arrears that accrue before the family receives aid under this chapter that are assigned pursuant to this subdivision shall be assigned as follows:

(A) Child support assigned prior to January 1, 1998, shall be permanently assigned until aid is no longer received and the entire amount of aid has been reimbursed.

(B) Child support assigned on or after January 1, 1998, but prior to October 1, 2000, shall be temporarily assigned until aid under this chapter is no longer received and the entire amount of aid paid has been reimbursed or until October 1, 2000, whichever comes first.

(C) On or after October 1, 2000, support assigned pursuant to this subdivision that was not otherwise permanently assigned shall be temporarily assigned to the county until aid is no longer received.

(D) On or after October 1, 2000, support that was temporarily assigned pursuant to this subdivision shall, when a payment is received from the federal tax intercept program, be temporarily assigned until the entire amount of aid paid has been reimbursed.

(4) If the federal government permits states to adopt the same order of distribution for preassistance and postassistance child support arrears, child support arrears shall be assigned, as follows:

(A) Child support assigned pursuant to this subdivision prior to October 1, 1998, shall be assigned until aid under this chapter is no longer received and the entire amount has been reimbursed.

(B) On or after October 1, 1998, child support assigned pursuant to this subdivision that accrued before the family receives aid under this chapter and that was not otherwise permanently assigned shall be temporarily assigned until aid under this chapter is no longer received.

(C) On or after October 1, 1998, support that was temporarily assigned pursuant to this subdivision shall, when a payment is received from the federal tax intercept program, be temporarily assigned until the entire amount of aid paid has been reimbursed.

(b) (1) Cooperate with the county welfare department and local child support agency in establishing the paternity of a child of the applicant or recipient born out of wedlock with respect to whom aid is claimed, and in establishing, modifying, or enforcing a support order with respect to a child of the individual for whom aid is requested or obtained, unless the applicant or recipient qualifies for a good cause exception pursuant to Section 11477.04. The granting of aid shall not be delayed or denied if the applicant is otherwise eligible, completes the necessary forms, and agrees to cooperate with the local child support agency in securing support and determining paternity, if applicable. The local child support agency shall have staff available, in person or by telephone, at all county welfare offices and shall conduct an interview with each applicant to obtain information necessary to establish paternity and establish, modify, or enforce a support order at the time of the initial interview with the welfare office. The local child support agency shall make the determination of cooperation. If the applicant or recipient attests under penalty of perjury that they cannot provide the information required by this subdivision, the local child support agency shall make a finding regarding whether the individual could reasonably be expected to provide the information before the local child support agency determines whether the individual is cooperating. In making the finding, the local child support agency shall consider all of the following:

(A) The age of the child for whom support is sought.

(B) The circumstances surrounding the conception of the child.

(C) The age or mental capacity of the parent or caretaker of the child for whom aid is being sought.

(D) The time that has elapsed since the parent or caretaker last had contact with the alleged father or obligor.

(2) Cooperation includes all of the following:

(A) Providing the name of the alleged parent or obligor and other information about that person if known to the applicant or recipient, such as address, social security number, telephone number, place of employment or school, and the names and addresses of relatives or associates.

(B) Appearing at interviews, hearings, and legal proceedings, provided the applicant or recipient is provided with reasonable advance notice of the interview, hearing, or legal proceeding and does not have good cause not to appear.

(C) If paternity is at issue, submitting to genetic tests, including genetic testing of the child, if necessary.

(D) Providing any additional information known to, or reasonably obtainable by, the applicant or recipient necessary to establish paternity or to establish, modify, or enforce a child support order.

(3) A recipient or applicant shall not be required to sign a voluntary declaration of paternity, as set forth in Chapter 3 (commencing with Section 7570) of Part 2 of Division 12 of the Family Code, as a condition of cooperation.

(c) (1) This section does not apply if all of the adults are excluded from the assistance unit pursuant to Section 11251.3, 11454, or 11486.5, or if all eligible adults have been subject to Section 11327.5 for at least 12 consecutive months.

(2) It is the intent of the Legislature that the regular receipt of child support in the preceding reporting period be considered in determining reasonably anticipated income for the following reporting period:

(3) In accordance with Sections 11265.2 and 11265.46, if the income of an assistance unit described in paragraph (1) includes reasonably anticipated income derived from support as defined in Section 150 of the Family Code, the amount established in Section 17504 of the Family Code, or an amount passed through under Section 17504.2 of the Family Code, of any amount of support received each month shall not be considered income or resources and shall not be deducted from the amount of aid to which the assistance unit otherwise would be eligible.

(d) This section shall become operative on January 1, 2024, or the date that the Department of Social Services has determined that necessary automation within the Statewide Automated Welfare System can be complete, whichever is later.

SEC. 20. Section 11477.06 is added to the Welfare and Institutions Code, to read:

11477.06. (a) It is the intent of the Legislature that, subject to the requirements of Section 77 of Senate Bill 189 of the 2021–22 Regular Session (Ch. 48, Stats. 2022), commencing January 1, 2025, or on the date that the State Department of Social Services and the Department of Child Support Services determine that the Statewide Automated Welfare System (SAWS) and the California Child Support Enforcement System can perform the necessary automation for this purpose, whichever date is later, the State Department of Social Services and the Department of Child Support Services provide full passthrough of child support payments to families receiving CalWORKs benefits.

(b) It is further the intent of the Legislature that the State Department of Social Services provide a report to the Legislature evaluating the unintended impacts of the proposal described in subdivision (a) on or before April 1, 2024, and in advance of the determination required by Section 77 of Senate Bill 189 of the 2021–22 Regular Session (Ch. 48, Stats. 2022) related to a General Fund augmentation for the Department of Child Support Services and the State Department of Social Services to implement the full passthrough of child support payments collected to families that are currently receiving CalWORKs benefits.

SEC. 21. Section 11477.07 is added to the Welfare and Institutions Code, to read:

11477.07. (a) The State Department of Social Services, in conjunction with the Department of Child Support Services, shall convene a workgroup that consists of representatives from the Legislature, the Department of Child Support Services, and the County Welfare Directors Association of California, and advocates for low-income families with children and noncustodial parents. The workgroup shall meet at least twice to discuss unintended consequences of enacting a full passthrough of child support payments to custodial families currently receiving CalWORKs benefits prior to the State Department of Social Services issuing the report required by subparagraph (b).

(b) The State Department of Social Services shall submit a report, on or before April 1, 2024, to the Senate and Assembly human services committees, judiciary committees, and fiscal committees summarizing the conversations with participants in the workgroup, and including proposed mitigation strategies for preventing unintended consequences of a full passthrough of child support payments to families currently receiving CalWORKs benefits and any estimates of additional costs of implementing these recommended strategies. The report shall also include the estimated impact of federal funding levels and any estimated changes to eligibility and benefit determination for need-based assistance programs as a result of providing the full passthrough of child support payments, as well as any projected changes in behavior among obligors related to compliance with child support orders due to the full passthrough and any estimated change to income levels of custodial families as a result of those projected behavior changes.

(c) This section shall remain in effect only until January 10, 2027, and as of that date is repealed.

SEC. 22. Section 15204.35 of the Welfare and Institutions Code is amended to read:

15204.35. (a) The State Department of Social Services shall work with representatives of county human services agencies and the County Welfare Directors Association of California to develop recommendations for revising the methodology used for development of the CalWORKs single allocation annual budget. As part of the process of developing these recommendations, the department shall consult with legislative staff, advocates, and organizations that represent county workers.

(b) (1) Recommendations for initial changes to the methodology for development of the CalWORKs single allocation for the 2018–19 fiscal year shall be made to the Legislature by January 10, 2018.

(2) Recommendations for additional changes to the methodology for the 2019–20 and subsequent fiscal years shall be made to the Legislature by October 1, 2018.

(c) The State Department of Social Services shall work with representatives of county human services agencies and the County Welfare Directors Association of California for purposes of continuing to develop the casework metrics used for the budgeting of funding for employment services in the CalWORKs single allocation and to develop the budgeting methodology for welfare-to-work direct services during the 2019–20 fiscal year. As part of the process of developing this budgeting methodology, the department shall consult with legislative staff, advocates, and organizations that represent county workers.

(d) The number of hours per case per month of case work time budgeted for intensive cases as defined pursuant to the budget methodology changes for the employment services component of the CalWORKs single allocation developed pursuant to this section shall be incrementally increased for each of the 2021–22 and 2022–23 fiscal years. Subject to an appropriation in the Budget Act of 2023, as of July 1, 2023, the number of hours per case per month of case work time budgeted for intensive cases shall again be incrementally increased, and in the 2024–25 fiscal year, effective July 1, 2024, it shall be 10 hours.

(e) The State Department of Social Services, in consultation with representatives of county human services agencies and the County Welfare Directors Association of California, shall reconsider the costs of county operations for county administrative costs in the CalWORKs single allocation for the 2024–25 fiscal year and for every third fiscal year thereafter. The State Department of Social Services shall provide information to the legislative budget committees regarding this reconsideration and how it may impact county administrative costs as part of the budget proposed by either January 10 or May 14 of any year prior to the fiscal year for which this provision applies.

SEC. 23. Section 16501.5 of the Welfare and Institutions Code is amended to read:

16501.5. (a) In order to protect children and effectively administer and evaluate California's Child Welfare Services and Foster Care programs, the department shall implement a single statewide Child Welfare Services Case Management System no later than July 1, 1993.

(b) It is the intent of the Legislature in developing and implementing a statewide Child Welfare Services Case Management System to minimize the administrative and systems barriers that inhibit the effective provision of services to children and families by applying current technology to the systems that support the provision and management of child welfare services. Therefore, it is the intent of the Legislature that the Child Welfare Services Case Management System achieve all of the following:

(1) Provide child welfare services workers with immediate access to child and family specific information in order to make appropriate and expeditious case decisions.

(2) Provide child welfare services workers with the case management information needed to effectively and efficiently manage their caseloads and take appropriate and timely case management actions.

(3) Provide state and county child welfare services management with the information needed to monitor and evaluate the accomplishment of child welfare services tasks and goals.

(4) Provide all child welfare services agencies with a common database and definition of information from which to evaluate the child welfare services programs in terms of the following:

(A) Effectiveness in meeting statutory and regulatory mandates, goals, and objectives of the programs.

(B) Effectiveness in meeting the needs of the families and children serviced by the program.

(C) Projecting and planning for the future needs of the families and children served by the program.

(5) Meeting federal statistical reporting requirements with a minimum of duplication of effort.

(6) Consolidate the collection and reporting of information for those programs that are closely related to child welfare services, including foster care and emergency assistance.

(7) Utilize the child welfare services functionality defined in current and planned automated systems as the foundation for the development of the technical requirements for the Child Welfare Services Case Management System.

(c) It is the intent of the Legislature that the Child Welfare Services Case Management System shall provide the required comprehensive and detailed individual county data needed by the department to implement and monitor the performance standards system.

(d) Counties shall fully utilize the functionality provided by the replacement statewide child welfare information system when it has been implemented statewide.

(e) (1) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement and administer this section through all-county letters or similar instructions, which shall have the same force and effect as regulations, until final regulations are adopted.

(2) To ensure transparent and consistent communication, the department shall include an update on the development of regulations in the legislative updates associated with the quarterly forums convened pursuant to Section 16501.9. By October 1, 2024, the department shall provide a formal update on the status of the development of regulations to the Legislature in accordance with Section 9795 of the Government Code.

(3) The department shall adopt final regulations no later than 24 months after the complete replacement for the statewide child welfare information system is implemented statewide.

SEC. 24. Chapter 5.6 (commencing with Section 16546) is added to Part 4 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 5.6. Excellence in Family Finding, Engagement, and Support Program

16546. The Legislature finds and declares all of the following:

(a) Identifying and engaging family members are critical components of providing effective child welfare services to children who have been removed from their homes due to abuse or neglect.

(b) For Indian children subject to an Indian child custody proceeding, as defined in subdivision (d) of Section 224.1 of the Welfare and Institutions Code, dedicated and specialized efforts for family finding, engagement, and support are critical to promote the stability and security of Indian tribes and families, to comply with the Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.) and other applicable federal and state law, and to protect the best interests of the child.

(c) Often, family members may become caregivers for children or may be able to provide other help and support to children and families on an ongoing basis.

(d) Supporting dedicated and specialized efforts for family finding, engagement, and support has been shown to increase the success of identifying relative caregivers and engaging relatives and other supportive adults to support children and families during and after reunification, and can support permanency in cases where reunification cannot occur. These dedicated and specialized efforts have proven to increase placements with and connections to relatives up front when children first enter out-of-home care, and to increase legal and relational permanency for children who have been in out-of-home care for a longer time.

16546.5. (a) Subject to an appropriation of state funds, there is hereby established the Excellence in Family Finding, Engagement, and Support Program. This program shall be administered by the State Department of Social Services.

(b) In administering the program, the department shall do all of the following:

(1) Develop, in consultation with the County Welfare Directors Association of California and the Chief Probation Officers of California, an allocation methodology for counties that elect to receive funds under this section.

(2) On or before than March 1, 2023, make funds available to participating counties according to the allocation methodology developed pursuant to paragraph (1).

(c) (1) A county may elect to participate in the program by submitting a written notice to the department in accordance with instructions issued by the department.

(2) A county that elects to participate in the program shall provide a match of local funds, which may include in-kind contributions of services or other resources from the county or community-based organizations, equal to one-half of all state funds provided to the county under the program.

(d) (1) The department shall consult with Indian tribes to develop an allocation methodology and procedures for program participation for Indian tribes, consortia of tribes, or tribal organizations, as defined in Section 137.10 of Title 42 of the Code of Federal Regulations.

(2) An Indian tribe, consortia of tribes, or tribal organization, as defined in Section 137.10 of Title 42 of the Code of Federal Regulations, that enters into an agreement with the department pursuant to Section 10553.1 of this code or Section 1919 of Title 25 of the United States Code shall, in accordance with the agreement, be eligible to receive allocations of funds under this section.

(e) Funds allocated under this section and the local match described in paragraph (2) of subdivision (c) shall be used for specialized permanency work, including culturally responsive, family-centered, and trauma-informed family finding and engagement services. Services shall focus on establishing and maintaining permanent connections for foster children. Funded activities shall include any or all of the following:

(1) Training of staff on family finding and engagement practices and models.

(2) Staffing and tools to identify, locate, and engage persons related to the child by blood or marriage, identification and engagement of other family-like relationships, and in the case of an Indian child, to make active efforts to engage with the tribe to determine the child's extended family members, as defined in Section 224.1. This may include use of internet and social media tools, genograms, database searches, and other technological tools to support family finding.

(3) Outreach and engagement of the child and family team members and all other current and prior service providers, case managers, and other connections to the foster child, to identify and engage possible family and family-like connections.

(4) Plan development and case management for the child, family, and family-like connections to identify and address any barriers to establishing or reestablishing positive, loving, and supportive relationships. Counties and participating tribes shall engage children continuously in plan development, case planning, and services of importance to the child.

(5) Implementation of model programs, strategies, or promising practices identified by the department in consultation with tribes, the County Welfare Directors Association of California, the Chief Probation Officers of California, and child and youth advocacy organizations. The model programs, strategies, or promising practices include, but are not limited to, model programs, strategies, or promising practices that focus on up front family finding and engagement and that focus on family finding and engagement techniques to find permanent families and relationships for foster children who have been in out-of-home foster care for 24 months or longer, who are not living with a relative, for whom reunification is no longer in the case plan, and who have not been placed with a family who is in the process of adopting them or assuming guardianship over them.

(f) A participating county may elect to contract with a nonprofit community-based organization to provide the services described in this section.

(g) A participating county or contracted nonprofit community-based organization shall employ family-finding workers who have experience or training in family-finding strategies or practice, which may include lived experience.

(h) Family-finding workers shall be assigned to family-finding responsibilities full time but may be employed by either the participating county or a nonprofit community-based organization with which the participating county has contracted for this purpose.

(i) A county shall provide information to the department on which of the activities specified in paragraphs (1) to (5), inclusive, of subdivision (e) the participating county has performed.

16547. (a) (1) The department shall establish procedures for program data collection and reporting.

(2) The department shall consult with Indian tribes that enter into agreements with the department pursuant to Section 10553.1 of this code or Section 1919 of Title 25 of the United States Code to develop procedures for program data collection and reporting for Indian tribes, consortia of tribes, or tribal organizations.

(3) Participating counties shall collect and report program data in accordance with written instructions issued by the department, which shall be determined in consultation with the County Welfare Directors Association of California, the Chief Probation Officers of California, child and youth advocacy organizations, and the representatives of county child welfare workers. These data shall include, but not be limited to, information regarding training completion, strategies and models utilized by participating counties, and services provided. This information shall include activities, as described in subdivision (e) of Section 16546.5, for which participating counties provide information to the department for allocations, as described in subdivision (i) of Section 16546.5.

(b) (1) The department shall establish procedures for tracking and reporting program outcomes measures, in consultation with the County Welfare Directors Association of California, the Chief Probation Officers of California, child and youth advocacy organizations, and the representatives of county child welfare workers.

(2) The department shall consult with Indian tribes that enter into agreements with the department pursuant to Section 10553.1 of this code or Section 1919 of Title 25 of the United States Code to develop procedures for tracking and reporting program outcome measures for Indian tribes, consortia of tribes, or tribal organizations.

(3) The department shall work with counties and tribes to identify the most efficient manner to track outcomes utilizing the statewide child welfare information system. Any additional program outcomes shall be reported in accordance with written instructions issued by the department.

(4) Outcomes to be measured shall be developed in consultation with the County Welfare Directors Association of California, the Chief Probation Officers of California, child and youth advocacy organizations, and the representatives of county child welfare workers, and shall include, but not be limited to, all of the following:

(A) Changes in the percentage of children initially or subsequently placed with a relative or nonrelative extended family member.

(B) Changes in the percentage of children placed in a family setting.

(C) Changes in placement stability experienced by children in out-of-home care.

(D) Changes in length of time to permanency for children in out-of-home care through reunification, guardianship, or adoption.

(E) Changes in racial disproportionality of children who experience placements in congregate care.

(F) Changes in racial disproportionality of children who experience placement disruption.

(G) Changes in the percentage of children placed with relatives or nonrelative extended family members after having been in out-of-home foster care for 24 months or longer in a nonrelative placement and subsequently been subject to family finding and engagement.

16547.5. Funds allocated under this chapter may be used to supplement, but shall not supplant, funds for existing family finding and engagement programs. Participating counties shall maintain records demonstrating that project funds have not supplanted funding for existing programs. These records shall be made available to the department upon request. The department shall consult with Indian tribes that enter into agreements with the department pursuant to Section 10553.1 of this code or Section 1919 of Title 25 of the United States Code regarding the maintenance and availability of records for project funds for Indian tribes, consortia of tribes, or tribal organizations.

16548. (a) Subject to an appropriation of state funds, the department shall establish, or contract for the establishment of, the Center for Excellence in Family Finding, Engagement, and Support. The Department shall consider input from stakeholders regarding the desired priorities of the center.

(b) The center shall provide, or contract for the provision of, multitiered, culturally appropriate training and technical assistance to county child welfare and probation departments, participating tribes, and foster care providers to enhance their practices, policies, and efforts for family finding, support, and engagement. This may include, but is not limited to, any of the following:

(1) Conducting evidence-based, organization-specific assessments of implementation activities.

(2) Strengthening trauma-informed practices and programs related to finding, engaging, and supporting relatives, and in the case of an Indian child, extended family members, as defined in Section 224.1, and the children with whom they interact as caregivers or as providers of other support toward reunification, permanency, or other ongoing involvement in a child's life.

(3) Developing and training workforce regarding how to support family finding and engagement, including, in the case of an Indian child, ensuring due diligence to inquire pursuant to Section 224.2, and improving staff skills and practices regarding reunification, permanency, or other ongoing involvement of relatives or extended family members in a child's life.

(4) Providing guidance and research on evidence-based family finding and engagement models and practices.

(5) Providing peer-to-peer learning opportunities for counties, participating tribes, and providers to share and leverage best practices for family finding and engagement program and practice development and sustainability.

(6) Other relevant training and technical assistance for counties, participating tribes, and providers regarding reunification, permanency, or other ongoing involvement of family members in a child's life, including, in the case of an Indian child, the child's tribe and tribal community.

(c) Once the center has been established and a training model has been developed, the center shall train family finding and engagement program staff from counties, participating tribes, and contracted nonprofit community-based organizations to ensure model fidelity and best practices.

16548.5. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department may implement, interpret, or make specific this chapter, in whole or in part, by means of all-county letters or similar written instructions, without taking any further regulatory action. These all-county letters or similar written instructions shall have the same force and effect as regulations.

16549. Contracts entered into or amended pursuant to this chapter are exempt from Chapter 6 (commencing with Section 14825) of Part 5.5 of Division 3 of Title 2 of the Government Code, Section 19130 of the Government Code, Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code, and the State Administrative Manual, and are exempt from the review or approval of any division of the Department of General Services.

SEC. 25. Section 18900.8 of the Welfare and Institutions Code is amended to read:

18900.8. (a) The State Department of Social Services shall work with representatives of county human services agencies and the County Welfare Directors Association of California to update the budgeting methodology used to determine the annual funding for county administration of the CalFresh program beginning with the 2023–24 fiscal year. As part of the process of updating the budgeting methodology, the ongoing workload and costs to counties, including, but not limited to, expanding the CalFresh program to recipients of Supplemental Security Income and State Supplementary Payment Program benefits shall be examined.

(b) The costs of county operations used in the budgeting methodology developed pursuant to subdivision (a) shall be reviewed by the department for the 2027–28 fiscal year and every third fiscal year thereafter. The department shall provide information to the legislative budget committees regarding this review and how it may impact county administrative costs as part of the budget proposed by either January 10 or May 14 of any year prior to the fiscal year for which this provision applies.

(c) In implementing this section, the department shall consult legislative staff, representatives of county human services agencies and the County Welfare Directors Association of California, advocates, and organizations that represent county workers.

SEC. 26. Sections 11.5 and 12.5 of this bill incorporate amendments to Section 2200 of the Welfare and Institutions Code proposed by both this bill and Assembly Bill 2417. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2023, but this bill becomes operative first, (2) each bill amends Section 2200 of the Welfare and Institutions Code, and (3) this bill is enacted after Assembly Bill 2417, in which case Section 2200 of the Welfare and Institutions Code, as amended and added by Sections 11 and 12 of this bill, shall remain operative only until the operative date of Assembly Bill 2417, at which time Sections 11.5 and 12.5 of this bill shall become operative.

SEC. 27. To the extent that this act has an overall effect of increasing certain costs already borne by a local agency for programs or levels of service mandated by the 2011 Realignment Legislation within the meaning of Section 36 of Article XIII of the California Constitution, it shall apply to local agencies only to the extent that the state provides annual funding for the cost increase. Any new program or higher level of service provided by a local agency pursuant to this act above the level for which funding has been provided shall not require a subvention of funds by the state or otherwise be subject to Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 28. For the 2022–23 fiscal year, the sum of three million dollars (\$3,000,000) in federal funds is hereby appropriated from the Federal Trust Fund to the State Department of Social Services for the Tribally Approved Homes Compensation Program pursuant to Section 10553.13 of the Welfare and Institutions Code.

SEC. 29. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.