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**AB-1686 Child welfare agencies: enforcement.** (2021-2022)

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**Assembly Bill No. 1686**

**CHAPTER 755**

An act to amend Section 17552 of the Family Code, relating to child welfare agencies.

[ Approved by Governor September 29, 2022. Filed with Secretary of State September 29, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1686, Bryan. Child welfare agencies: enforcement.

Existing law delegates to the Department of Child Support Services and local child support agencies the responsibility for collecting and enforcing child support obligations, including child support delinquencies, as defined. Existing law requires the State Department of Social Services to promulgate regulations for county child welfare departments, including, but not limited to, any case of separation or desertion of a parent from a child that results in foster care assistance payments, payments for a minor child placed in the same home as a minor or nonminor dependent parent, and California Work Opportunity and Responsibility to Kids (CalWORKs) payments to a caretaker relative of a child who comes within the jurisdiction of the juvenile court. Existing law requires those regulations to require the county child welfare department to determine whether it is in the best interests of the child or nonminor to have the case referred to the local child support agency for child support services, as specified.

This bill would require the county child welfare department, in making that determination, to presume that the payment of support by the parent is likely to pose a barrier to the proposed reunification. The bill would require the department to revise its regulations to implement those changes on or before October 1, 2023.

To the extent that this bill increases the duties of the county child welfare department, the bill would impose a state-mandated local program.

The bill would make related findings and declarations.

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 no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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

**SECTION 1.** (a) The Legislature finds and declares the following:

- (1) In reunification cases, attempts to collect child support are both cost ineffective and have been proven to harm reunification efforts and destabilize families.

(2) The basic purpose of the child welfare system is to strengthen families and return children to safe and stable homes. Efforts made by counties to require parents to pay out-of-home care costs for children they are seeking to reunify with their families are inconsistent with that basic purpose.

(b) It is the intent of the Legislature to limit the referral of these out-of-home cases to county child support enforcement departments.

**SEC. 2.** Section 17552 of the Family Code is amended to read:

**17552.** (a) (1) The State Department of Social Services, in consultation with the Department of Child Support Services, shall promulgate regulations by which the county child welfare department, in any case of separation or desertion of a parent or parents from a child that results in foster care assistance payments under Section 11400 of, or a voluntary placement under Section 11401.1 of, or the payments for a minor child placed in the same home as a minor or nonminor dependent parent under Section 11401.4 of, the Welfare and Institutions Code, or CalWORKs payments to a caretaker relative of a child who comes within the jurisdiction of the juvenile court under Section 300, 601, or 602 of the Welfare and Institutions Code, who has been removed from the parental home and placed with the caretaker relative by court order, and who is under the supervision of the county child welfare agency or probation department under Section 11250 of, or Kin-GAP payments under Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with Section 11385) of, or aid under subdivision (c) of Section 10101 of, the Welfare and Institutions Code, shall determine whether it is in the best interests of the child or nonminor to have the case referred to the local child support agency for child support services. If reunification services are not offered or are terminated, the case may be referred to the local child support agency, unless the child's permanent plan is legal guardianship with a relative who is receiving Kin-GAP and the payment of support by the parent may compromise the stability of the current placement with the related guardian, or the permanent plan is transitional foster care for the nonminor under Section 11403 of the Welfare and Institutions Code. In making the determination, the department regulations shall provide the factors the county child welfare department shall consider, including:

(A) Whether the payment of support by the parent will pose a barrier to the proposed reunification, in that the payment of support will compromise the parent's ability to meet the requirements of the parent's reunification plan.

(B) Whether the payment of support by the parent will pose a barrier to the proposed reunification in that the payment of support will compromise the parent's current or future ability to meet the financial needs of the child.

(2) The department's regulations shall require the county welfare department, in making the determination pursuant to paragraph (1), to presume that the payment of support by the parent is likely to pose a barrier to the proposed reunification.

(b) The department regulations shall provide that, when the county child welfare department determines that it is not in the best interest of the child to seek a support order against the parent, the county child welfare department shall refrain from referring the case to the local child support agency. The regulations shall define those circumstances in which it is not in the best interest of the child to refer the case to the local child support agency. The regulations shall include the presumption described in paragraph (2) of subdivision (a) that the payment of support by the parent is likely to pose a barrier to the proposed reunification.

(c) The department regulations shall provide, when the county child welfare department determines that it is not in the child's best interest to have the case referred to the local child support agency, the county child welfare department shall review that determination periodically to coincide with the redetermination of AFDC-FC eligibility under Section 11401.5 of, or the CalWORKs eligibility under Section 11265 of, or Kin-GAP eligibility under Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with Section 11385) of Chapter 2 of Part 3 of Division 9 of, the Welfare and Institutions Code, and shall refer the child's case to the local child support agency upon a determination that, due to a change in the child's circumstances, it is no longer contrary to the child's best interest to have the case referred to the local child support agency.

(d) Notwithstanding any other law, a nonminor dependent, as described in subdivision (v) of Section 11400 of the Welfare and Institutions Code, who is over 19 years of age, is not a child for purposes of referral to the local child support agency for collection or enforcement of child support.

(e) Notwithstanding any other law, a minor or a nonminor dependent, as defined in subdivision (v) of Section 11400 of the Welfare and Institutions Code, who has a minor child placed in the same licensed or approved facility pursuant to Section 11401.4 of the Welfare and Institutions Code is not a parent for purposes of referral to the local child support agency for collection or enforcement of child support.

(f) The State Department of Social Services shall revise its regulations to implement the changes made by the act that added this subdivision on or before October 1, 2023.

**SEC. 3.** To the extent that this act has an overall effect of increasing the 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.