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**STATE SOCIAL WELFARE BOARD**

## **Task Force on Absent Parent Child Support**

### **Guide for Administration and Conduct of a Coordinated Child Support Program by California Counties**



**STATE OF CALIFORNIA  
HUMAN RELATIONS AGENCY  
DEPARTMENT OF SOCIAL WELFARE**

**SEPTEMBER 1971**

DEPARTMENT OF SOCIAL WELFARE — 744 P STREET

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FOREWORD

The State Social Welfare Board became concerned about problems of child support enforcement as a result of information received in large-scale community meetings throughout the state. Further inquiry verified a number of problems and revealed a serious lack of uniformity in the enforcement of this obligation.

Concerned about the vast social and economic implications of welfare and nonwelfare absent parents' failure to support their children, the Board determined to review the many aspects of this subject. In this effort, we were assisted by a task force composed of highly qualified individuals who are identified in the following pages. The Board's report, Final Report of the Task Force on Absent Parent Child Support, January 1971 contained forty recommendations which are now being acted on by the Executive and Legislative branches of California's government.

Following publication of the task force report, a subcommittee of the task force continued to work on this Guide for Administration and Conduct of a Coordinated Child Support Enforcement Program by California Counties. It is our hope that this report will prove of value in achieving the objectives discussed in our earlier report. We are indeed grateful for the services of members of the task force and subcommittee and to Mr. Eugene R. Brusatori, District Manager, Contra Costa County Welfare Department, who compiled and edited the following report for the subcommittee.

It is the position of the State Social Welfare Board that our children have an undisputed right to support from their parents and this basic moral and legal obligation should only be assumed by others when circumstances beyond the control of the parents prevent their fulfilling this responsibility. The people of this state have a right to insist that this obligation be clearly recognized and satisfied. Public officials and agencies involved have a duty to provide effective and uniform enforcement services. To this end, the report that follows is respectfully dedicated.

A handwritten signature in cursive script that reads "Robert E. Mitchell".

Robert E. Mitchell  
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R. E. JORNLIN  
DIRECTOR

May 25, 1971

Robert E. Mitchell, Chairman  
State Social Welfare Board  
744 P Street  
Sacramento, California 95814

Dear Mr. Mitchell:

I am pleased to present you with this guide designed to provide a framework for the administration of an effective and efficient child support program in California.

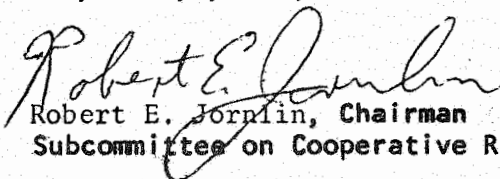
As you know, the task of developing this guide was not an easy one. Your sub-committee realized very quickly that making new changes in operations would be very difficult. When they combine new philosophies, methods and procedures with an existing program based on different philosophies, methods and procedures, the challenge is formidable. The fact that the Non-Support Task Force was willing to sponsor such a pioneering effort gives high testimony to their public service ideals, both in relation to those persons economically handicapped and the taxpayer to whom we are responsible.

That this guide was ever completed attests to the willingness and dedication of persons representing different disciplines and backgrounds to put these aside in order that the committee assignment could be achieved. It was our intent, however, to structure the guide so that emphasis could be placed on the need for change and coordination, yet also recognize that it must be usable and adaptable to different size jurisdictions. We also anticipated the guide could serve as a training aid for those desiring to improve their present non-support programs.

Your sub-committee stands ready to help and assist within their capacities and responsibilities any efforts to stimulate statewide interest in improving and supporting an effective non-support program.

In closing let me again reiterate my highest praise for the members of this committee, who exhibited a professional dedication far beyond the call of duty.

Very truly yours,

  
Robert E. Jornlin, Chairman

Subcommittee on Cooperative Relationships and Model Plan

**STATE SOCIAL WELFARE BOARD**

**Guide for Administration and Conduct of a  
Coordinated Child Support Program by California Counties**

**August 1971**



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## I. INTRODUCTION

A major thrust toward organizing activities directed to secure support payments in behalf of children from parents who are absent from the home was initiated in California in the 1950s. Such child support programs focused in their early development primarily and almost exclusively on welfare situations - where AFDC public assistance payments were made. Child support programs have been developed by California counties with varying degrees of concentrations of efforts and effectiveness since that time.

### A. Background

A brief survey of the history of statutory relationships of district attorneys and county welfare departments in regard to child support in California reveals aspects of current problems in the context of the background of developments.

The basic statute establishing the responsibility of county welfare departments and district attorneys was enacted in 1951. The statute required "immediate" notice to the district attorney of all absent parents and that the district attorney "investigate" and report action taken to the county welfare department.

This statute was enacted because the public had become concerned about welfare costs, and little was being done about securing contributions from absent parents. As welfare departments were considered to be largely responsible for the failure and it was thought district attorneys would take a different view, the entire responsibility was shifted to district attorneys. No discretion was left to welfare departments.

In 1953, a change was enacted. The requirement that the county welfare department "immediately" notify the district attorney was qualified by "unless it is definitely established that the parent is financially incapable of providing support." Added also was provision that welfare departments were to cooperate with district attorneys and to furnish information. District attorneys' responsibilities were increased in that they were to take action to obtain support.

This statute gave welfare departments some responsibility in that they were to make a judgment concerning the absent parents' inability to contribute. It had been found that many cases were being referred to district attorneys from which no support could be secured or legal action taken. Also, criticism had developed over absent parents being referred to a law enforcement agency where it was clear no criminal statute had been violated.

Welfare departments were required to cooperate in giving information as some had resisted doing so.

District attorneys were required to secure support, as well as "investigate" as many district attorneys had taken little action on referrals.

In 1961, other changes were made. When the absent parent's whereabouts was unknown, immediate referral was to be made "irrespective of whether or not it is definitely established that the parent financially is incapable of supporting...." Referral was not to be made if adoption was being considered. The granting of aid was not to be contingent on action

by district attorneys. This change did not alter any basic element of the relationship between welfare departments and district attorneys.

In 1965, the last change was enacted, which substantially expanded the responsibilities of welfare departments. Where the absent parent's whereabouts is known, welfare departments are to:

1. Determine the absent parent's ability to support.
2. Make arrangements for him to pay.
3. Explore the possibility of a reconciliation.
4. Explore the possibility of a resumption of a parental relationship with his children.

This change apparently was based on the principle that if an absent parent voluntarily cooperated in establishing how much support he was able to pay, agreed to pay, and actually paid, it was unnecessary and inappropriate that the matter be referred for law enforcement to the district attorney. It gave the welfare department the function of dealing with absent parents who were willing to maintain their parental responsibilities and of making the necessary decisions. Welfare departments now had the opportunity, as well as the responsibility, to carry out a service function with those absent parents who were willing to discuss the matter.

#### B. Current Problems

A review of current child support programs conducted by California counties reveals the following problems:

1. The percentage of estranged fathers of Aid to Families with Dependent Children contributing child support is decreasing, while AFDC caseloads are substantially increasing.
2. Lack of uniformity exists in the enforcement of child support obligations among counties and there is a wide variety in the diligence with which child support programs are pursued by counties.
3. There is failure to make planned use of collaborative arrangements and/or cooperative relationships among various local government authorities necessary to the success of a child support program.
4. Lack of clarity about procedures to claim federal reimbursement available by federal statute for increased efforts in child support law enforcement activities impedes the ability of California counties to expand and improve program efforts.
5. There is insufficient staffing in most counties to optimize child support law enforcement and collections activities.
6. Lack of a businesslike collection agency approach by public jurisdictions hampers the process of securing child support payments.
7. Few, if any, counties have comprehensive approaches toward dealing with the problems of securing child support from absent fathers.
8. There is no uniform clear public policy as to the amount of effort required and the manner in which the effort is to be applied to resolve the total child support problem.

C. Purposes of the Guide

No definitive study or overall systematic approach was employed to arrive at the determinations discussed in the material which follows. However,

the contributions of experts, as active participants in the programs conducted by California counties and certain state personnel, provide a set of perspectives derived from practical experience with the material contained herein.

This guide cannot offer specific solutions to all of the problems listed. The guide taken as a whole does, however, suggest courses of action in response to the presented problems.

This guide is intended to provide a framework of concepts and information which may:

1. Serve as a reference point for California counties to appraise their own program.
2. Serve to point to desirable actions to increase program effectiveness.
3. Serve as a resource indicator to personnel of California counties concerned with improvements in the conduct and administration of a child support program.

The material offers general guidelines to a comprehensive-coordinated approach to child support enforcement programs and suggests specific guides for program development/action planning by California counties.

D. Relationship of Guide to Legislative and Administrative Changes

There are proposed a number of changes in both statutes and administrative organization of child support programs which could substantially enhance the effectiveness of such programs as conducted by California counties. Specific recommendations for changes in law requiring state legislative

action are described and delineated in the "Final Report of the State Social Welfare Board Task Force on Absent Parent Child Support, January 1971."

The structuring of administrative arrangements for the most part requires no such enabling legislation and can be instituted by action of individual counties. Positive sanction and support by the County Board of Supervisors is essential for appropriate implementation. Specific ordinance or resolution is desirable and may be necessary, depending upon local conditions. A priority of attention by local government officials should be directed toward establishing a coordinated child support program at the county level.

## II. SUMMARY OF CURRENT LAW RELATING TO RESPONSIBILITIES OF DISTRICT ATTORNEY AND COUNTY WELFARE DEPARTMENT IN CHILD SUPPORT MATTERS

### A. Statutory Provisions Relating to Child Support and the Duties of the County District Attorney

#### 1. Criminal

##### a. Liability

Penal Code Section 270 provides that a father of either a legitimate or illegitimate child is guilty of a public offense if he wilfully omits without lawful excuse to furnish necessary support. This statute establishes a public offense without regard to whether the child is receiving public assistance.

##### b. Enforcement

The district attorney is required to "conduct on behalf of the people all prosecutions for public offenses." Government Code #26500.



The duty to prosecute misdemeanors has been given to the city prosecutor, where there is such an office, in some instances. See, Government Code #s 71099, 72193, 20 Ops. Att. Gen. 234 (1952). See also City of Merced v. County of Merced, 240 Cal.App.2d 763 (1966). The prosecution of misdemeanors may also be carried out by any city attorney with the consent of the district attorney. See Government Code # 41803.5; People v. Enriquez, 267 Cal.App.2d 424 (1968). In any case, the district attorney has the duty to prosecute when the city prosecutor is disqualified or for some reason is unable to prosecute or when a state statute is not being uniformly or adequately enforced. See 20 Ops.Atty.Gen. 234 (1952).

In 1965, the Legislature added Section 270f to the Penal Code. This section provides that upon a report from a mother that a father has failed to provide necessary support to a child not receiving public assistance, the district attorney, upon verification shall take all steps necessary to obtain support for the child. Where the child is receiving public assistance, Welfare and Institutions Code Section 11475 provides, in relevant part, that it is the duty of the district attorney to take such action as may be prescribed in Article 7 of the Welfare and Institutions Code and in Section 270 of the Penal Code, to enforce support liability. See also Welfare and Institutions Code # 11476. These sections appear to make it the duty of the district attorney

and not the city prosecutor to prosecute all Section 270 cases, unless he consents to prosecution by the city attorney. Cf., Penal Code #272. Compare Henveg v. Municipal Court, 226 Cal.App.2d 569 (1964) with People v. Enriquez, 267 Cal.App.2d 424 (1968). He must prosecute the action where the prosecution by the city attorney is not adequate.

Under Penal Code Section 270, the defendant may be punished by fine or a jail sentence, or may be granted probation on conditions. Since 1969, Penal Code Section 270h provides for execution to enforce a support order entered as such a condition.

## 2. Civil

### a. Duty

Both the father and mother of legitimate and illegitimate children have a duty to support them and either parent or child may bring an action to establish the status of parent-child or to enforce the support obligation. Civil Code #s 196, 196a, 231, 242, 243, 248, 4703. In interpreting the foregoing, note that Section 196 (a) Civil Code provides for use of enforcement remedies for enforcement of support orders for illegitimates in the same manner as if these children were legitimate.

### b. Enforcement by District Attorney

Civil Code Section 231 provides that the District Attorney may bring an action to determine the existence or nonexistence of the

relationship of parent and child when he believes the interests of justice will be served thereby.

Civil Code Section 248 provides that the county may proceed on behalf of the obligee in enforcing a right to support and, when the county provides support, it has a right of reimbursement.

Neither of these sections makes any distinction between assistance and nonassistance cases, and both sections use the discretionary "may" and do not establish any standard for the exercise of this discretion. Section 4703 Civil Code is an additional vehicle by which support and reimbursement may be ordered.

In any proceeding where the court has ordered either or both parents to pay child support, the court may order an assignment of wages which is binding on the employer without further order of the court. Civil Code #4701. Provisions of the Code of Civil Procedure concerning execution may also be used to implement Civil Court Orders.

c. Duty in Nonassistance Cases

Penal Code Section 270f provides that the district attorney shall take all steps necessary to obtain support for a child who is not receiving public assistance. This section has been interpreted by the Attorney General to authorize the district attorney to bring civil, as well as criminal proceedings. See 47 Ops.Atty.Gen. 23 (1966). The section is applicable whether or not a court order for support has been entered.

Civil Code Section 4702(b) provides that in any proceeding where a court enters an order requiring payment of child support to a former spouse, the court may direct that payment be made to a county official and may direct the district attorney to appear on behalf of the child in enforcing the order. Again, the authority is discretionary, without direction to the court as to how this discretion should be exercised.

d. Duty in Public Assistance Cases

The Welfare and Institutions Code sets forth the duty of the district attorney to act in public assistance cases, requiring generally that he act on referral from the welfare department. The duty, when such a referral takes place, includes the establishment of paternity and the use of both civil and criminal enforcement procedures. See, Welfare and Institutions Code #s 11475, 11476, 11477, 11479.<sup>1/</sup> Under these sections, the county welfare department may delay up to 45 days and need not make a referral to the district attorney if it determines that the man is financially incapable of supporting the child or if the parent has entered a voluntary agreement. These sections and regulations supporting them all provide that a plan may be entered into providing for prompt referral of all applicants to the District Attorney and permitting the District Attorney to make the final decision as to the father's ability to pay and to confirm his duty to pay. (In accord with recommendations contained

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1. Welfare and Institutions Code Section 11478.5 establishes a central registry in the Department of Justice to assist in the location of absent parents.

in California State Social Welfare Board Final Report of the Task Force on Absent Parent Child Support, January 1971, this referral should not be discretionary with the welfare department, nor should there be a delay of 45 days.)

In addition to the authority contained in the Welfare and Institutions Code, Civil Code Section 4702(a) provides that in any case where a court orders the payment of child support to a parent receiving public assistance for the children, the court shall direct that payments be made to a county officer and shall direct the district attorney to enforce the order.

3. Reciprocal Enforcement of Support (two states or two counties involved)

The California version of the Uniform Reciprocal Enforcement Act is set forth in Code of Civil Procedure Sections 1650-1697 (the act was extensively amended in the 1970 legislative session; the revised version became effective on November 23, 1970).

The Act provides for the civil enforcement of support obligations when the obligor and obligee reside in different states or in different counties of the same state. In addition, the act provides for extradition of the obligor to face criminal charges if civil enforcement is unsuccessful.

When the obligee is in California, representation by the district attorney is required on the request of the court, but there is no specific requirement for representation in other cases. Code of

Civil Procedure # 1674. Thus, some counties will file only for welfare cases. Private counsel may also file, or the obligee may file in propria persona. However, the district attorney is required to take all steps necessary to obtain support for a needy child, whether or not receiving public assistance. Welfare and Institutions Code # 11476; Penal Code # 270f. Filing a reciprocal when necessary would appear to be such a step.

When the obligor is in California, the district attorney is required to represent the obligee in all proceedings in this state without regard to the obligee's financial status. Code of Civil Procedure # 1680.

The same distinction as to representation applies when the action is taken between two counties within the state.

It should be noted that the State Social Welfare Board Task Force report has recommended that a simplified change of venue statute be enacted allowing child support orders to follow the payee, usually the mother. Such a statute may reduce the need for intrastate Uniform Reciprocal Enforcement of Support Act procedures.

B. Features of Federal Legislation Related to the Role and Responsibilities of the District Attorney and County Welfare Department in Child Support Program Matters

1. General Features of Federal Legislation

Portions of the Federal Security Act contain federal legislation of some significance to child support programs. The Social Security Act, especially amendments of 1952, 1962 and 1967, provides for programmatic

and fiscal supports for state and local administration and conduct of child support programs. This federal legislation gives program direction to states--and to the county welfare department as agent of the state--to provide certain public social services directed towards strengthening family life and to conduct other activities related to securing and maintaining support payments from legally responsible parents. Additionally, certain financial incentives are proffered and available, both to county welfare departments and to law enforcement agencies working in collaboration with county welfare departments in programs to secure child support involving individuals and families who are former, current or potential recipients of public assistance. To be eligible for federal subventions, each state must describe in their annual state plan for administration of public welfare programs the particular program responsibilities to be carried out. Such state plans are subject to review and approval by the U. S. Department of Health, Education and Welfare.

The Social Security Act cannot directly prescribe the conduct of local law enforcement activities related to child support. Therefore, the means used are financial incentives and certain mandatory requirements binding upon the states and upon the administrative agencies utilizing federal funding subventions. The most pertinent Social Security Act provisions and regulations of U. S. Department of Health, Education and Welfare are summarized below.

2. Social Security Act and Regulations of the Department of Health, Education and Welfare

a. 1952: "Notice" to Law Enforcement Officials

Beginning in 1952, the Social Security Act required that a state's "plan" in connection with support provide that a "notice" be given to law enforcement officials when a child was deserted or abandoned:

"State plans for aid and services to needy families with children .... (a) ... (10) effective July 1, 1952, provide for prompt notice to appropriate law enforcement officials of the furnishing of aid to families with dependent children in respect to a child who has been deserted or abandoned by a parent." (Section 602, Title 42, Public Health and Welfare)

Congress did not require state law enforcement officials to take any action on receiving the "notice." Some law enforcement officials took action on such cases, others did not.

b. 1967: An Amendment Placed Certain Responsibilities Within the Welfare Administrative Structure

(1) Organizational Unit

To be assured that the assigned responsibilities were carried out completely, Congress required that large local agencies administering aid establish an "organizational unit" to carry out the duties of securing support. Congress further required that the state provide:



"for the establishment of a single organizational unit in the state agency or local agency administering the state plan in each political subdivision which will be responsible for administration of the program..." (Section 602, Title 42, Public Health and Welfare)

The unit must be both in the state agency and in large local agencies:

"...There must be a single staff unit in the state agency in large local agencies to administer this program." (Code of Federal Regulations, Title 45, Chapter 11, Section 220.48, Revised as of 1-1-71)

(2) Function of the Organizational Unit

The function of the "organizational unit" is to undertake to "establish paternity" and "secure support."

"In the case of a child born out-of-wedlock... to establish the paternity of such child and secure support for him..."

"In the case of a child receiving such aid who has been deserted or abandoned by his parents, to secure support for such child from such parent..." (Section 602, Title 42, Public Health and Welfare)

More specifically:

"There must be a program for establishing paternity for children born out-of-wedlock and for securing financial

support for them and for all other children receiving AFDC who have been deserted by their parents or other legally liable persons. Efforts must be made to locate putative and absent parents and there must be a determination of their potential to provide financial support. There must be a provision for the utilization of reciprocal arrangements with other states to obtain or enforce court orders for support..." (Code of Federal Regulations, Title 45, Chapter 11, Section 220.48, revised as of 1-1-71)

c. The 1967 Amendment Also Required Securing Assistance of Courts and Law Enforcement Officials

The Social Security Act provides that the state and its administrative subdivisions are to:

"provide for entering into cooperative arrangements with appropriate courts and law enforcement officials to assist the state agency in administering the program..."

"including the entering into financial arrangements with such courts and officials in order to assure optimum results..."

(Section 602, Title 42, Public Health and Welfare)

d. Other Social Security Provisions

(1) Provision is made for a notice to the Secretary of the Department of Health, Education and Welfare when an absent parent cannot be located and he is not making payments in compliance with a court order.

- (2) The State Agency of one state will cooperate with the agency of another state when a petition for support has been filed,
  - (a) in locating a missing parent, and
  - (b) in securing compliance with a court order for support.

C. Summary

The summary of current laws described in this section points up the interdependence of roles and complementary responsibilities of the law enforcement, court, and the welfare systems in child support matters. The general framework for conduct and administration of child support programs and specific guides for increased program effectiveness by California counties are further described in material which follows:

III. ORGANIZATION AND ADMINISTRATION OF CHILD SUPPORT PROGRAMS

A. Concerned Agencies of Government

There are a number of agencies/organizations at the local and state government levels which have an official involvement in absent parent child support. These include:

1. County Welfare Department
2. District Attorney
3. The Judiciary
4. County Auditor/Controller
5. Public Agencies responsible for Service of Legal Process
6. County Probation Department
7. County Board of Supervisors

8. State Department of Social Welfare
9. State Attorney General's Office

The complex interrelationships of these governmental entities compounds efforts at problem solving and underscores the need for coordination. Each group involved needs to have a clear understanding of its role and responsibilities and an awareness and knowledge of the function performed by others in the network. The effective functioning of a number of agencies can be negated by the failure or lack of interest on the part of any single agency involved.

B. Guides for Conduct and Administration of Child Support Programs

Certain principles of interagency coordination and guides to cooperative relationships and collaborative arrangements are briefly outlined below. California counties concerned with conduct and administration of child support programs may find these useful as guidelines for program development planning.

1. The major objective of a child support program is to promptly and efficiently secure the maximum support possible from the legally responsible absent parent (usually the father) whether or not the child is in need of public assistance. In order to achieve this prime objective, the program and administrative areas must be balanced to provide for both law enforcement and collections in a businesslike manner.
2. The focus of responsibility must be definitely placed and the program preferably consolidated under a single administrative unit. The administrative philosophy of such a unit would be that "the buck stops here."

3. The program plan should be comprehensive in scope, inclusive of the following components as to child support activities.
  - a. Intake/identification, referral and location
  - b. Law enforcement
    - (1) Child support investigations
    - (2) Civil legal actions in behalf of legitimate and illegitimate children
    - (3) Criminal legal actions
    - (4) Probation
  - c. Collections
4. An effective and workable plan should encompass the following:
  - a. The responsibilities and relationships of each participating agency must be carefully defined.
  - b. An integrated set of forms and procedures for reporting information between components is necessary for sound administration of a child support program. For best results, these should be incorporated in a computerized system.
  - c. To support the judicial process, businesslike methods such as collection techniques used by private organizations in the administration of installment accounts should be incorporated in the plan.
  - d. Family service program resources such as family court and financial counseling should be clearly involved.

5. District Attorneys and other law enforcement agencies must diligently use the whole range of possible legal remedies. District Attorney personnel should develop expertise to appropriately use both civil and criminal remedies. Use of civil remedies should be emphasized. To help assure appropriate staffing at proper levels, special job classifications and adequate employment criteria are required.

C. Ancillary Services and Related Resources to Deal with Child Support Program Problems

Family court, financial counseling and employment counseling for non-supporting fathers can enhance the possibilities of regular child support payments. These ancillary services should be made available via social work personnel attached to a consolidated child support program unit or by way of community resources otherwise specifically identified within a comprehensive child support program system. Planned parenthood services available through local public health departments, public medical services, county welfare departments and private nonprofit organizations are other pertinent resources which can strengthen the total child support system.

The use of Trustees Wage Earners Plans and Chapter XIII Bankruptcy provisions are, in certain instances, a significant resource to facilitate the ability of individual absent fathers to make regular child support contributions.

Using present Conciliation Court Law, Section 1769 (c) California Code of Civil Procedure, the court can direct the parties to appear before it, under the penalty of contempt, to set an order for support. By this legal remedy, mothers could get prompt support orders without the necessity of filing dissolution proceedings.

Where such proceedings have been filed, the statutes should be amended to provide for staffing of a financial referee who would see every family in which there are children. Under supervision of the court, the primary responsibility of the financial referee would be to obtain an agreement between the parties in regard to custody, support and visitation, etc., with a realistic view toward the welfare problem. The financial referee would refer the families for marital counseling if indicated or requested. He would file his recommendation, or the parties agreement, as to custody, visitation and support with the Conciliation Court judge for approval. Except as to the financial referee's involvement in marriage counseling activities, no privilege (confidential status) would attach to communications. In counties where Conciliation Court exists, it is possible to assign a Financial Referee Service through administrative action. (See Section IV of this guide for federal funding.)

#### D. Guides to Administrative Structure

The organizational elements and essential components in a comprehensive child support program plan and system briefly described above are applicable to most counties in the State of California. In the opinions of experts in this field, the ideal organizational arrangement is one of a centralized operational unit organized as a single administrative entity located in



one place in the county. However, it is recognized that organizational patterns must reflect the size and distribution of the population; and that in some areas alternatives are required to fit local demographic, geographic and political factors.

Under a consolidated administration organizational plan, a single administrative entity is responsible for the conduct of the major portion of the child support program; for primary coordination of the basic component activities conducted by various agencies, and for a planned coordination in regard to related ancillary resources. Such a single administrative unit should encompass in its direct supervision and administration all the basic child support program components and activities including:

1. Intake/identification, referral and location
2. Law enforcement components
3. Collections

In order to do so, special coordinative written agreements must be developed, signed and followed by the participant agencies. Such a consolidated administration and single administrative entity may be located under the primary auspices of any of the following three agencies.

1. County District Attorney's Office

Since the California statute designates District Attorneys as having primary responsibility for child support programs, such a consolidated administrative unit preferably should be the direct responsibility of the county district attorney's office. Operations would encompass



both welfare and nonwelfare related child support activities. Significant portions of costs for personnel of such a consolidated administrative unit conducting welfare-related child support activities can be reimbursed with federal funds in collaboration with county welfare departments.

Such consolidated administration may be achieved by transfer of functions and personnel to the District Attorney, or by administrative arrangements whereby personnel from various county departments are assigned and placed under the administrative direction of the District Attorney.

With the placing of consolidated administration of child support programs in the District Attorney's office, specialized staff assigned to this area of responsibility is desirable and necessary for program effectiveness. Such specialization should include consideration of administrative/management and fiscal/collections requirements, as well as legal aspects. The size of the population or staffing resources may prevent such specialization in less populous counties; nevertheless, assignments should be made so as to result in an appropriate emphasis on this area of responsibility.

## 2. County Welfare Departments

A second option is to have a consolidated administration with a single administrative unit under the direct auspices of the county welfare department. Under this option, the County District Attorney specifically agrees to an arrangement by which part of the staff assigned to his office may be placed under the administrative direction of another department for nonsupport functions.

Under provisions of the Social Security Act, county welfare departments have certain responsibilities in relation to child support program matters. These responsibilities include appraisal of eligibility in connection with public assistance payments, identification, location and referral for possible legal action, and other activities involving cooperation with law enforcement agencies. These program administration related responsibilities encompass mandatory procedures related to both income maintenance programs and public social services for individuals and families.

Special administrative and contractual arrangements may be made by county welfare departments for conduct of child support activities by other agencies. Such arrangements are most relevant in situations where the primary responsibility for a particular function is placed with an administrative entity other than the county welfare department; for example, courts, Probation Department and County Auditor's Office. In any event, collaboration with law enforcement agencies and the courts is required of all California county welfare departments in child support matters.

3. Separate Department or Unit

A third option would be provision for a consolidated administrative entity separate and apart from either the direct responsibility of the county district attorney or the county welfare department, but with cooperative participation of both, along with other departments such as County Probation and the County Auditor's Office. To effect

this arrangement, specific sanction by the County Board of Supervisors is desirable and possibly ordinance provision may be necessary.

Effective child support programs as practiced in many counties have developed a substantial degree of autonomy of operations, whether located in the district attorney's office or the county welfare department. Establishing separate administrative entities by regrouping of personnel and activities by this function may be a feasible alternative; especially in the more populous counties with large urban areas. Such a separate organizational entity could also link or integrate certain activities and programs conducted by the courts, such as conciliation court. In some instances, the separate organizational entity may be connected under a comprehensive Family Court system.

4. Relationship of Administrative Structure to a Welfare Fraud Program

A consolidated administrative approach is more likely to result in an effective child support program system than is the parallel administrative unit structures in district attorney, county welfare, and auditor's offices which exist currently as the typical pattern in California counties.

Under either option, a unit or section to deal with welfare related fraud matters should be integrated as a specialized function/activity, with appropriate staffing, in the child support program plan. The administrative structure, operations, and processing requirements

for welfare fraud matters parallel to those of the child support program. All of the basic components--that is, Intake, Law Enforcement, and Collections, are very similar. Therefore, a specialized welfare fraud section or unit could be readily connected to the child support program organizational plan.

#### E. Collections

##### 1. Basic Requirements of a Child Support Collections System

In some counties, the County Auditor's Office provides centralized collections services in connection with child support. In any event, such services are conducted primarily as bookkeeping and accounting operations, rather than a business collections system oriented approach. Additionally, county probation departments collect child support contributions from probationers under Penal Code violations stemming from failure to provide convictions; or, in some instances, handle child support collections where the probationer is under supervision for other Penal Code violations.

Certain aspects of the collection process, such as the accounting and bookkeeping operations, lend themselves readily to centralization. Effective child support collection programs, however, require application of a more complete collections system. Basic to any effective collection system are integrated forms and procedures, a sound record keeping and file system and mechanisms for prompt reporting and control to insure timely action. Under consolidated administrative arrangements, integrated procedures are more readily installed. Under any

administrative organizational arrangement, however, whether the components are under a single administrative entity or involve separate organizational entities, prompt information reporting to all program components is essential because (1) timely attention to the potential child support contributor is the best assurance that the individual will maintain a regular contribution pattern, and can prevent some expensive work related to delinquencies; (2) the records may be a basis for child support legal action of serious consequence to the individual involved. Integrated forms and procedures useful to the participant agencies (or components) of a sound record keeping system are part and parcel of prompt information reporting.

Integrated collections and information reporting processes in child support programs are necessary for either noncomputerized or computerized systems.

## 2. Personnel

A collections unit should be organized by an accountant. Personnel should be designated as account clerks and should, by training and ability, be the type of personnel who can efficiently keep neat, accurate records of money paid and received. The system might be meshed with other disbursing activity of the county, but should be organized so that the investigative and probation staff of the child support unit will have ready access to reliable up-to-date records. Time lost in retrieving information should be kept to a minimum. Automatic review of cases to spotlight delinquencies should be an integral function of this unit.

3. Mechanical Aids - Computerization

In many counties, the size and scope of the child support program can lend itself to computerization as an economically feasible alternative. Several counties have installed such computerized systems, namely, Sacramento, Alameda, and Santa Clara, among others. There are several management consultant firms who can provide a program for computerized child support systems. One of these firms describes its product as follows:

"A responsive computerized system is essential for the effective management and administration of child support, case review, collection, disbursement, delinquency control and enforcement. A field tested system has been developed which has resulted in and possesses the following capabilities:

- a. Substantial increases in regularity in child support payments.
- b. Automatic notification to agencies and defendants of delinquency.
- c. Preparation of delinquency notices, orders of contempt, warrants for arrest, and orders to show cause.
- d. Accounting for all child support payments regularly prepared.
- e. Control of child support payment distribution plan.
- f. Disbursement of all payments received from the defendant in accordance with the payment distribution plan and court order."

"Such a system provides information required for daily operations and provides a capability for special reports on request. The system aids interviewers, investigators, administrators and auditors.

Implementation must be preceded by a study so that the system is specifically tailored to the applicable legal requirements and local conditions."

While no definitive appraisal as to cost effectiveness trade-off is available, in every instance in which computerization has been installed a significant increase in child support collections has resulted.

The administration and control of child support cases is an increasing problem to local governments. A computerized child support management information system provides responsible agencies with an automated means of substantially increasing regularity of child support payments, along with prompt notification and other controls for collection, disbursements and accounting purposes. Systems can vary in sophistication and detail in keeping with what the size and scope of the local operations can economically support. Also, smaller counties can contract jointly with other counties or buy-in to existing computerized systems of larger counties in cost-sharing arrangements.

#### 4. Relationship with Other Facets of the Child Support Unit

- a. At the completion of the investigation and litigation phases of the law enforcement function, a collectible account should be organized or the account should be closed. Consequently, investigators and attorneys involved in this activity should have an understanding of the collections unit and its requirements.



Child support orders should be prepared in a manner that allows them to fit the record keeping system of the collections unit. Data, such as correct names and addresses, definite sum of money due, names of beneficiaries and case numbers of companion files in the welfare department and the courts, among other information, are items that must be provided by investigation in a manner that will readily mesh, without error or loss of time, into the collections system.

- b. As important as the input is the relationship with the probation function. Changes of address, changes in number of beneficiaries and amount of the court order are all items that will be forwarded to collections as part of the continuing supervision of a case, even if there is no default in the order. Here again, training of the law enforcement unit in how to obtain a prompt and accurate change in the record is necessary.

Further, the Collections Unit has a vital role in prompt designation of a delinquency. A payment should be a regular rigid habit on the part of the debtor. Only if a default is promptly called to the debtor's attention and to the attention of the person supervising the case can action be taken to instill and maintain such a habit. Accuracy is vital to retain confidence in the system. The data produced by the collections unit must be in a form that will be understood and readily actionable by the person supervising the payor records. The collections unit in this area can conceivably go further,



and actively participate in the probation function by initiating delinquency notices to the nonsupporting father and even prepare legal citations for review by appropriate staff. Additionally, an up-to-date review system provides a management tool whereby the supervisor of the staff persons responsible for probation supervision or management of collections for a group of individual accounts can judge performance.

#### IV. FEDERAL AND STATE FUNDING RESOURCES FOR CHILD SUPPORT PROGRAM COMPONENTS

Under provisions of the Social Security Act, federal funding resources are available for administration of a comprehensive child support program. Generally, the main sources of such funding are federal reimbursements available to and via county welfare departments for welfare-related child support activities in connection with the administration of public assistance and public social service programs. Such federal funding requires either 25% or 50% matching contributions. There is no direct state financial participation in the funding of county conducted child support program activities. Additionally, demonstration and research grants for child support projects may be available from federal and/or state sources. Federal and, to a more limited extent, state funding resources are briefly described below for both county welfare department or other agency conducted child support program activities under the following categories:

- A. Basic activities related to securing child support in welfare cases.
- B. Reimbursement for ancillary services and activities related to child support programs.
- C. Demonstration and research grants for child support projects.

A. Federal Funding for Welfare-Related Child Support Program Basic Activities

1. County Welfare Department Conducted Activities

In connection with provisions of the Social Security Act, federal funds are regularly available to county welfare departments through the State Department of Social Welfare to conduct certain programs, including income maintenance and public social services related child support activities. California State Department of Social Welfare regulations specify certain mandatory and optional "programs of service" in the federally approved state plan for administration of public assistance and public social services programs in California. Reimbursements with federal funds for costs of such county welfare department conducted child support activities are available. Activities which qualify for federal reimbursement include case identification, referral to district attorney, interviews with mothers in regard to cooperation with the law enforcement officials, contacts with absent parents who reportedly have income and other child support activities in situations in which there is a former, current or potential recipient of public assistance.

Pertinent fundable activities for which county welfare departments are regularly claiming are described in State Department of Social Welfare regulations and, therefore, require no elaboration here.

2. Basic Law Enforcement and Collections Activities Related to Securing Child Support in Welfare Cases

Under provision of the Federal Social Security Act, federal funding is also available for certain law enforcement, court and collections activities for welfare-related child support program components.

Portions of comprehensive child support programs conducted by California counties can be financed in part from federal funds, regardless of whether such program components are located in the county welfare department, district attorney's offices, auditor's offices, probation departments or other similar agencies. Currently, State Department of Social Welfare Circular Letter No. 2544, dated 4-13-71, entitled, "Child Support Services - Fiscal Policies and Procedures," outlines the guidelines for federal funding participation of 50% of costs for certain child support welfare-related activities and 75% of costs for other child support welfare-related activities. Such federal funding is authorized by provisions of the 1967 amendments to the Social Security Act which provides financial incentives for increased effort in child support/law enforcement and collections matters.

Additionally, effective November 23, 1970, a provision of the Welfare and Institutions Code in regard to collections of welfare-related child support was signed into law (Welfare and Institutions Code 11457). This statute permits counties to retain the state share of such reimbursed payments in excess of the recipient's full need to offset the county cost of such collections activities. If properly managed, additional revenue, especially in more populous counties, could result from this factor.

B. Federal Reimbursement for Ancillary Services and Activities Related to Child Support Programs

Authority exists currently for federal funding of certain ancillary services and activities related to child support programs by way of reimbursements available to or through county welfare departments for costs of approved "programs of service."

Federal reimbursements at up to 75% levels are available to counties for costs of Conciliation Court counseling services programs that serve current public assistance recipients. Reimbursement at the 75% level for services to former and potential recipients is presently being negotiated. A basis for such federal reimbursements is the State Department of Social Welfare list of "required services," i.e., those services which are mandated to counties, which include child protective and information and referral public social services. Conciliation Court is an activity which is related to mandated children's protective services, information and referral services and services to strengthen family life. Administrative costs of Conciliation Court counseling services, whether conducted by a county welfare department or by the courts through administrative arrangements with the welfare department, qualify for federal reimbursement. Such funding can be obtained in connection with services provided by the courts, either by contractual arrangements involving purchase of service agreements with the county welfare department (providing a cost allocation plan has been approved), or by other administrative arrangements for services provided directly by employees of the county welfare departments.

In a similar way, programs which provide financial counseling, or financial referee services for current, former and potential recipients and employment and/or financial counseling to absent parents could qualify for federal reimbursements at 75% levels (upon SDSW approval of a specific plan). Additionally, where other community resources such as for planned parenthood are not readily available, counseling and related services in connection with planned parenthood activities could also qualify for federal reimbursement.

C. Funding Sources for Demonstration and Research Grants for Child Support Activities

Another source of federal funding for local welfare and nonwelfare child support programs are special demonstration and research grants.

1. Project Grants from Social Security Act

Funding for special projects in public assistance and public social services is available through the Department of Health, Education, and Welfare. There are two programs that would lend themselves to demonstration in the area of child support programs in public welfare.

- a. Cooperative research or demonstration projects authorized in 1966 by Section 1110, Title XI of the Social Security Act, as amended. Grants are made by the Cooperative Research and Demonstration Grants Branch, Division of Research and Demonstration, to states and to public or nonprofit organizations to pay part of the cost of research and demonstration projects. The purpose of this program is to add to existing knowledge and to devise and evaluate new approaches to:

- (1) the prevention and reduction of economic dependency
- (2) more effective organization, coordination, and administration of social welfare and social security programs, and
- (3) other programs related to the provisions of medical and social service programs authorized by the Social Security Act.

b. Demonstration projects in public assistance authorized in 1963 by Section 1115 of the Social Security Act. Grants are made by the Demonstration Projects Branch, Division of Research and Demonstrations, to state public assistance agencies to cover the cost of pilot, experimental, or demonstration projects. The purposes of this demonstration program are to develop and improve the methods and techniques of administering assistance and services designed to help needy persons achieve self-support or self-care, or to maintain and strengthen family life.

Detailed information about the programs can be obtained by writing:

For 1115: Project Coordination Bureau  
Department of Social Welfare  
744 P Street  
Sacramento, California 95814

For 1110: Division of Research and Demonstrations  
Office of Research, Demonstrations and Training  
Social Rehabilitation Service  
Department of Health, Education and Welfare  
330 C Street, S. W.  
Washington, D. C. 20201

2. Other Special Federal Funding Resources for Child Support Related Projects

In addition to the above described sources of federal funds for child support program components available via county welfare departments for welfare-related child support activities, federal funds may also be available directly to law enforcement agencies and courts through PL 90-351, the Federal Omnibus Crime Control and Safe Street Act of 1968, and other like resources.

The Federal Omnibus Crime Control and Safe Street Act is a source of federal funding for local programs primarily directed to control of major crimes and crimes of violence.

Application for federal funding of child support programs projects by District Attorneys and local law enforcement officials should be encouraged, to test out the availability of federal funds, particularly if such a project is viewed as part of a broader program to increase effectiveness of local "law and order" activities.

D. Summary

Developing a method which will definitely determine the amount of increased effort, such as for district attorney's activities, is a special problem to all counties. Most nonwelfare department personnel performing such activities in 1968 were assigned to a variety of functions not limited to welfare-related child support.



The capacity for effective programming in the child support field can be considerably increased with federal funds for certain selective activities conducted by district attorneys, probation departments and auditor's offices in various counties at the present time. As indicated in the January 1971, "State Social Welfare Board Final Report of the Task Force on Absent Parent Child Support," probably the single action which can do the most to improve the effectiveness of child support programs in California counties is the State Social Welfare Department providing clear and concise guidelines and definitive procedures so as to optimize federal funding.

All California counties are alerted and cautioned that obtaining such federal funding requires persistence and a planned allocation of staff resources to the task. County administrators and other county officials are encouraged to allocate appropriate personnel resources, since such action holds a substantial promise for significant reimbursements on current programs, as well as for future expansion to increase effectiveness of locally conducted child support programs.

## V. TRAINING REQUIREMENTS FOR COOPERATIVE RELATIONSHIPS

### A. Purposes of Training

The achievement of the goal of increased child support enforcement is dependent upon the cooperation and coordination of the activities of persons charged with the responsibility of carrying out the program.



This includes persons at all classification levels in county welfare departments who have the initial contact with clients since it is their referral which brings individual cases to the attention of the legal system. If county welfare department employees are lacking in knowledge about the child support program, or have attitudes which run counter to the philosophy of the program, increased legal enforcement will likely continue to fall short of the program goals established.

Training can provide employees with essential and necessary knowledge needed to perform assigned tasks in the area of child support enforcement. In addition, training can be planned to bridge the communication gap which often exists between the welfare system and the legal (enforcement) system so as to eliminate obstacles which can hamper the more effective cooperation of these two agencies.

Toward this end, a training outline is being suggested for use by county welfare department staff related to their role in child support enforcement. Although the specific content to be taught may need to be adapted to reflect the kinds of child support enforcement programs in the individual counties, the outline contains general knowledge which should be covered regardless of the specifics of the county system. In order to improve communication between representatives of the welfare system and the enforcement system, it is strongly urged that certain sections of the training material for public welfare employees be presented by representatives from the county district attorney's office. Not only is this group best able to describe their own activities, but such an approach will

emphasize the teamwork which must exist if the program is to be successfully implemented.

**B. Training Outline - General Information County Welfare Department Workers Need (Functional Skills) in Working with Absent Parent - Child Support Programs**

**1. Child Support Collection Program**

- a. Legal base
- b. What is the program and its philosophy
  - (1) Implementation of the program in the specific welfare department
    - (a) why does it exist
    - (b) how does it operate
    - (c) how is it used
    - (d) when is it used, and by whom
    - (e) what is the relationship with the District Attorney's office function

**2. Worker Role Responsibility**

- a. To understand legal expectations in the child support function  
(i.e., 1967 Social Security Amendments; state and county regulations)
- b. To obtain information from the client
- c. To understand the importance of this information and how it is used by the different units
- d. To understand what the agency expects of the worker
- e. To learn how a referral is implemented and completed to the collection unit
- f. To understand his ongoing responsibility after the referral is made:

- (1) to the child(ren)
- (2) to the parents
- (3) to the court
- (4) to the agency

3. Appropriate Approach: Manner and Attitude

- a. To understand the effect of the child support function on the parent-child relationship.
  - (1) making parents aware of their responsibility
  - (2) helping parents assume their responsibility
- b. To learn methods and approaches in working with hostile or reticent parents.
- c. To help workers recognize when to withdraw and return cases to the District Attorney for action.

### THREE EXAMPLES OF COUNTY PROGRAMS

Following are summaries of current child support programs as organized and conducted in Sacramento, Fresno, and Orange Counties.

While these are not necessarily to be taken as "ideal" examples of consolidated and administrative approaches, each has features recommended for consideration by other counties interested in improving their Child Support Program.

SUMMARY OF  
FRESNO COUNTY FAMILY SUPPORT DIVISION PROGRAM

I. ORGANIZATION - AUSPICES

In 1965, the Fresno County Grand Jury requested that the Board of Supervisors establish a Family Support Division (FSD) in order that financial resources resulting from Child Support and Welfare Fraud payments could be efficiently administered. Due to existing federal subventions, the Family Support Program was established as a separate county function to be administered through the County Welfare Department by the Family Support Division. Criteria was developed for a Law Enforcement oriented structure and a basic pre-requisite for key staff of five years of law enforcement investigative experience. Among the current staff of 18 investigators, the present personnel averages 18 years of such experience. From the initial effort, limited to welfare child support and fraud investigations, the Division has grown to encompass all aspects of child support, welfare/non-welfare, criminal/civil procedure, probation, collection and welfare fraud.

II. SOURCES OF CHILD SUPPORT CASES

- A. Non-Welfare Cases (approximately 3,000 at the present time)  
The typical non-welfare case involves a parent who is working, but unable to meet necessary family expenses without some type of public assistance due to lack of child support payments from an absent parent. Mothers in these circumstances are referred to Family Support Division by doctors, attorneys, public officials, community agencies and individuals to assist in obtaining child support. If paternity is not at issue, cases are received by the Family Support Intake Unit and assigned to the Support Unit Investigator for location and collection processing and monitoring. Effective results here often preclude the necessity for applications for public assistance and welfare.
- B. Welfare Cases (approximately 16,000 currently)  
Those who have applied for welfare on the basis of an absent parent deprivation are referred directly to Family Support Division on the same day, as an integral part of their public assistance application. They are interviewed by the Family Support Division staff to determine identification and location factors and special issues such as paternity. Welfare applicants hand carry a referral/action form on which the interviewers acknowledge the satisfaction of requirements of cooperation. In "immediate need" cases, these forms are returned personally by the applicant to the welfare department. Documentation

of birth, (mother-child) citizenship, divorce, and other such factors are required, if pertinent, prior to processing for legal or other collections actions. Should any evidence of untruthfulness in the filing of the complaint information or other area of cooperation be noted at intake, a Family Support Division investigator is called to assist in the interview. If unresolved, the welfare department is notified immediately and the public assistance application process suspended until the problem is resolved. Intake Investigators pursue all illegitimate cases where paternity must be determined by investigation or adjudication. In view of recent substantial increases in the volume of applications coupled with the use of group processing techniques by the County Welfare Department, a greater burden for prompt response in connection with eligibility determination is placed on the Family Support Division, Intake operations.

III. FAMILY COURT-CIVIL (approximately 1,300 such cases currently)

In all cases of dissolution of marriage actions through the Fresno County Court (under auspices of Superior Court) where child support is an issue, the Family Support Division determines the amount and administers the collection of the child support, filing petitions for modifications of support and contempt of court orders as necessary in both welfare and non-welfare cases.

IV. PROBATION - CRIMINAL (approximately 1,400 cases currently)

All child support and fraud cases where it has been necessary for Family Support Division to file criminal complaints and conviction results are placed on Summary Probation to the Family Support Division. Family Support Division directly provides the monitoring-supervision in these cases.

V. COLLECTIONS (approximately 4,000 ledgers/accounts currently)

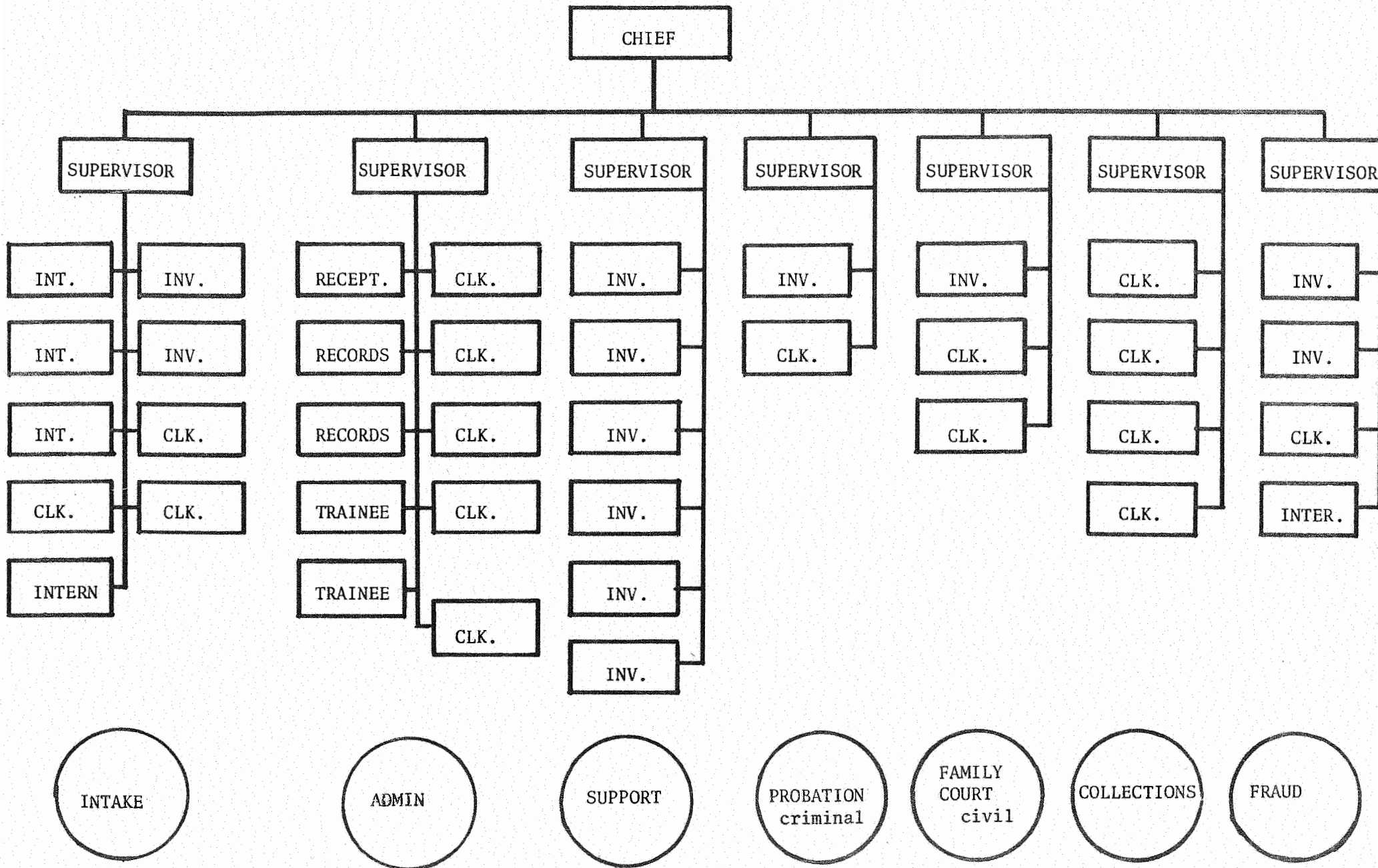
All payments for child support and fraud repayments for cases handled by Family Support Division are made through Family Support Division Centralized Collections. This centralized processing system encompasses advance billings as well as a delinquent statements and regularized information reporting to components.

VI. SUMMARY

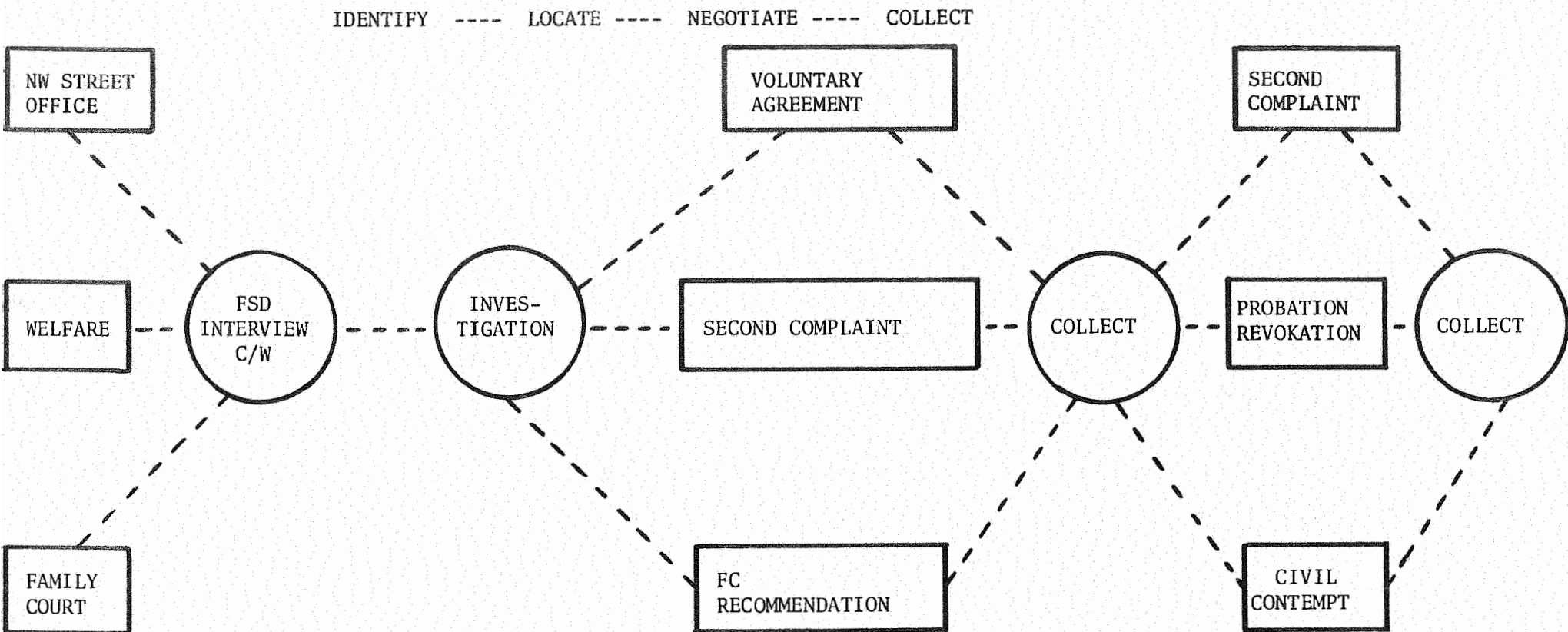
Attached is an organization chart of the Fresno County Family Support Division and a chart outlining the processing steps.

Basically, the Family Support Division represents the District Attorney, Welfare Department, Probation Department and the Court-Trustee Collections for Fresno County in a joint effort management structure so as to administer a Child Support Program "under one roof."

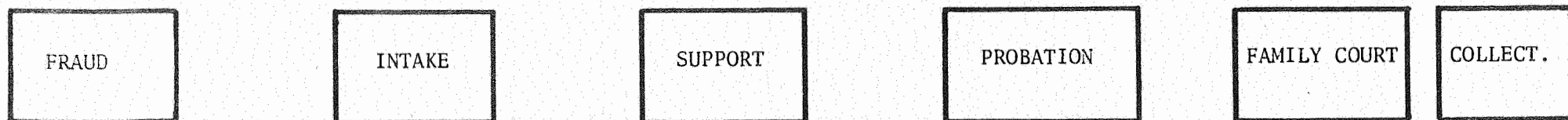
FRESNO COUNTY FAMILY SUPPORT DIVISION







FRESNO COUNTY: FAMILY SUPPORT DIVISION



UNITS

ENFORCEMENT



SUMMARY OF  
ORANGE COUNTY FAMILY SUPPORT DIVISION PROGRAM

I. MISSION

The Family Support Division of the Orange County District Attorney's Office is responsible for enforcing support obligations as set forth in the Penal Code, the Code of Civil Procedure and the Welfare and Institutions Code. Policies and procedures in handling welfare referrals of support cases are set forth in the County Plan of Cooperation. In accordance with present policy and procedure the Welfare Department's function in this area is mainly one of identification of the case as one involving a non-contributing absent parent. This is usually determined by the eligibility worker at the intake stage. (Eligibility workers are now receiving training from District Attorney staff in this problem area.) An immediate referral is made to the Family Support Division.

II. ORGANIZATION AND ADMINISTRATION

A Deputy District Attorney IV is the administrative head of the Family Support Division.

The Division is organized into three functional areas:

1. Reception Section
2. Investigation - Criminal
3. Investigation - Civil

In addition there are supporting units for payment processing, files and court calendars and related matters.

A. Reception

Initial processing and interviewing in all new and reopened cases is handled by this section. This includes both welfare referrals and non-welfare cases. The 7 interviewer/investigative assistants talk to the custodial parent and also attempt, whenever possible, to follow up and deal with the absent parent. Many cases come to a fruitful conclusion at this stage. An attempt is made to evaluate the case and elect the appropriate remedy to correct the problem at this time.

B. Criminal Section

This is the general criminal non-support area of enforcement. If the interviewer has not been able to make contact with the absent

parent -- or, if an ongoing case becomes delinquent -- then the 270 investigator takes over for follow-up enforcement by negotiation or criminal complaint.

### C. Civil Section

This section is divided into two sub-units:

#### 1. Reciprocal Support

This unit handles responding reciprocal petitions where the absent parent resides in another state. The unit is also responsible for initiating petitions on behalf of both welfare and non-welfare clients who reside in Orange County and the absent parent resides in another state.

#### 2. Civil Paternity

It is the policy of this office to file a civil action to establish paternity in every case where paternity is a real issue and where it is believed that the burden of proof can be met. After an adjudication of paternity is made this section continues to enforce the court orders for support. We obtain approximately 40 civil judgments a month.

The civil section is also now handling the civil enforcement of divorce child support orders in welfare cases.

### III. STAFFING

See organization chart attached.

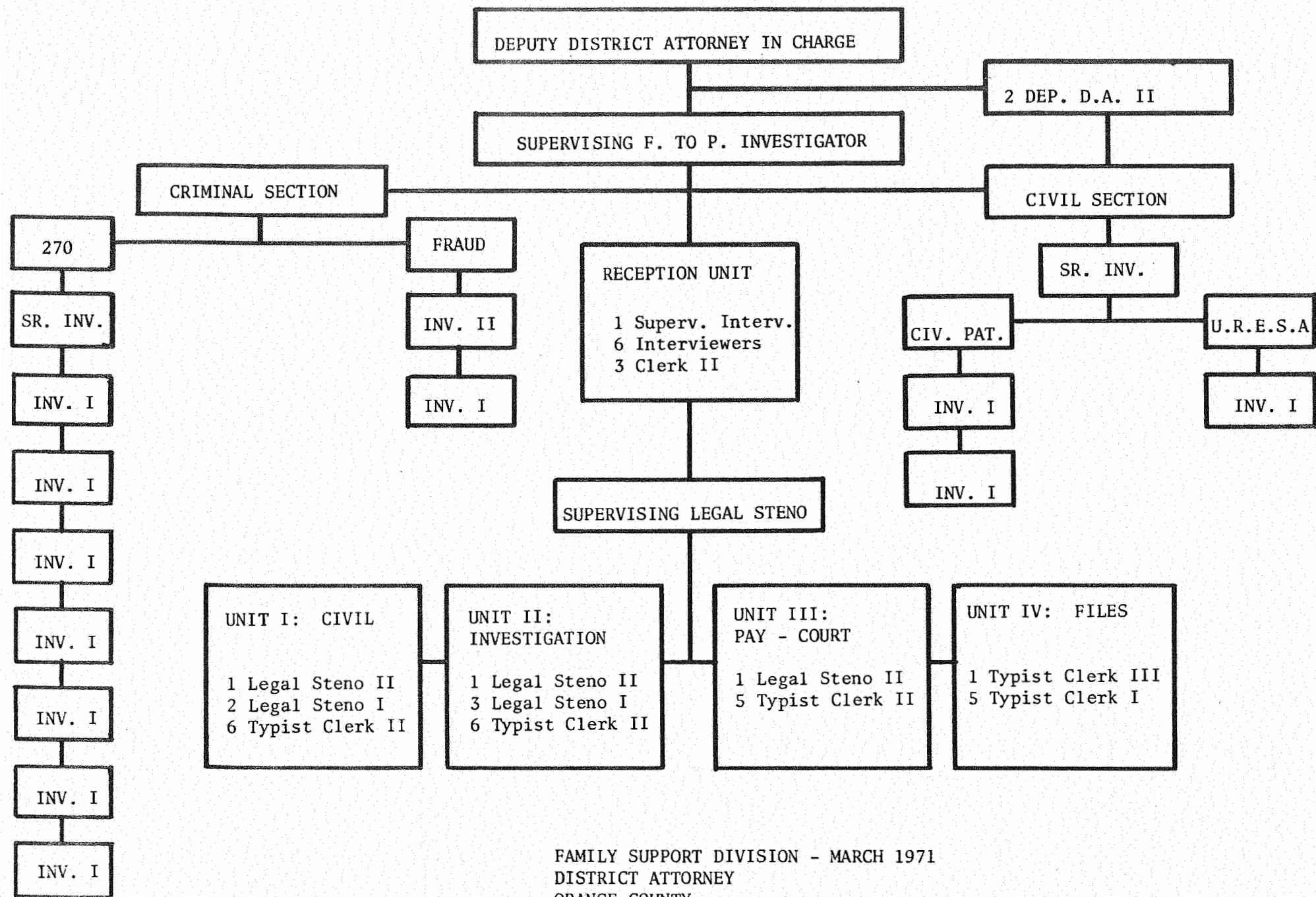
We presently have a division staff of 59 people. Three of these (two investigators and one steno) work exclusively on welfare fraud cases and supplement the 5-man Special Investigation Unit in the Welfare Department.

The remaining 56 positions, devoted full time to child support activities, include:

- 1 Deputy District Attorney IV - Division Head
- 2 Deputy District Attorney II
- 1 Supervising F.T.P. Investigator
- 2 Senior F.T.P. Investigators
- 10 District Attorney Investigator I
- 1 Supervising Interviewer
- 6 Interviewers
- 1 Supervising Legal Steno
- 4 Clerical Leads
- 28 additional clerical supporting staff

#### IV. ADDITIONAL COMMENTS

- A. Current active caseload as of March 31, 1971 is in excess of 15,000 cases.
- B. Most child support payments are made through the payment (Collections) section of the Family Support Division. They are processed by computer.
- C. We are now in the process of revising and updating our computer program in order to provide more efficient and, therefore, more effective monitoring of our cases and also to provide more useful statistics for management.
- D. Monthly collections are running in excess of \$400,000. We have been experiencing a substantial increase in the past three months. If the present trend continues we should be collecting over \$500,000 a month before the end of the year. These figures do not include those cases where the absent parent is paying direct to the custodial parent. These figures do not include the approximately \$750,000 a year collected by the Probation Department where the absent father has been placed on formal probation.



FAMILY SUPPORT DIVISION - MARCH 1971  
DISTRICT ATTORNEY  
ORANGE COUNTY

SUMMARY OF

SACRAMENTO COUNTY DOMESTIC RELATIONS DEPARTMENT PROGRAM

I. NAME AND AUTHORITY

The official name is the Domestic Relations Department of the District Attorney's Office. It operates under the authority of the District Attorney.

II. ORGANIZATION AND ADMINISTRATION

The organizational plan is set forth in the attached organization chart. There are presently 50 positions in the Domestic Relations Division; the chart indicates the number of personnel assigned to each function. Actual operation of the unit is under the supervision of the Supervising Domestic Relations Investigator. This includes supervision of investigation of all failure to provide cases, as well as those welfare fraud cases that require post complaint investigation. In addition, both the accounting, or collection, function and the probationary function involved in supervision of continuing collection are under his supervision. In the overall hierarchy of the District Attorney's office he is paid the same amount as the Chief Investigator but less than an Attorney II (Second level Attorney). He answers directly to the Chief Deputy District Attorney.

Deputy District Attorney, Division Legal Advisor, is a practicing member of the California Bar with at least one year of experience. His responsibilities include representation of the District Attorney in all civil actions related to collection of child support, representation of the District Attorney in all paternity actions initiated by that office, prosecution of all welfare frauds, appearances on Penal Code 270 cases, and all preliminary activity related to the foregoing. The Deputy District Attorney acts as advisor to the Supervising Investigator and his staff and assists the District Attorney's staff in welfare related matters. He also acts as liaison with the courts and other governmental agencies on the local and state level in matters related to child support and welfare. He is under the supervision of the Chief Deputy District Attorney. The position may be filled by a Deputy District Attorney II or above.

Senior Domestic Relations Division Investigator supervises all Domestic Relations Division Investigators, working under the Supervising Investigator. Statement Reporter assists in preparation of sworn statements for investigators including depositions in paternity actions. Reception Section meets the public and carries on the general service duties indicated by its title. Legal Section provides the stenographic help

necessary to support the Deputy District Attorney. Much of its work is in the area of preparing documents which complete investigative activity and place a case in a probationary status or in preparation of documents which assist in supervision of active accounts. It also handles clerical duties involved in welfare fraud prosecution.

The intake function belongs to the pending section with some work being done by the single Civil Section Interviewer. Intake activity is supplemented by work at the welfare department, by activity of the court and by the private bar.

The active section conducts criminal and paternity investigations, using the services of the Criminal Section for clerical support. The active section and the civil section both perform the probationary or supervisory activity involved in the administration of active cases. In this activity they are involved with a number of outside agencies for information and for active assistance.

The accounting section is responsible for financial record keeping and collection of funds. This section is closely associated with the county auditor's office and the data processing center. This section's record keeping and notice functions are an integral part of the probationary activity of the office.

### III. COLLABORATION AND COORDINATION WITH OTHER AGENCIES

Other agencies with which we collaborate are as follows:

- A. Welfare Department does some intake or information gathering and refers cases. Keeps probation sections informed on activity of client and accepts output of collections, assists in distribution of proceeds.
- B. Courts create intake work and gather considerable information for civil intake. Source of action in enforcing supervision.
- C. Auditor's office checks accuracy of collections unit, distributes proceeds, supervises output of data control and assists in correcting mistakes made in accounting or data control. Works directly with accounting for normal functions. May also work with Supervising Investigator in correcting errors.
- D. Data Processing Center primarily assists accounting. Does mechanical acts of data compilation and distribution. Also does mechanical act of preparation of funds for distribution.
- E. Police Agencies assist in investigative phase of activity and in apprehensions involved in both investigation and supervision. Also assist in process serving necessary to complete investigation and in data collection involved in investigation. State, federal and local are all involved and both civil and criminal investigators come in direct contact with these agencies.



F. District Attorney's Staff provides Deputy District Attorneys as needed to supplement the activity of staff. Deputy District Attorney may work on any phase of litigation, usually in consultation with and under direction of Domestic Relations Division Deputy District Attorney. The Toxicologist assisted investigators in prosecution of paternity matters. Also some process serving for both non-support and welfare fraud cases is done by District Attorney's staff.

#### IV. SIZE AND SCOPE OF PROGRAM

The budget for this unit for fiscal '71-'72 is approximately \$425,000. The amount of money disbursed in calendar 1970 was about \$3,700,000. Money received in January and February of this year was in excess of \$300,000 and March receipts were over \$424,000. It is expected that there will be well in excess of \$4,000,000 disbursed by this office in calendar 1971. The office has under investigation or supervision about 14,000 cases. It is our policy to accept intake on any case where we have jurisdiction without regard to the financial status of the complaining witness. About one-half of our proceeds last year were distributed to out-of-state plaintiffs. The remainder was paid to non-welfare plaintiffs located in Sacramento, California. About 70 percent of our cases under supervision fall in the area of criminal failure to provide; the remaining 30 percent are a result of a local civil court order.

#### V. SUMMARY

The location of all functions under one authority provides the responsible administration necessary to give full effect to this program. The use of a career civil servant as chief administrator, rather than a lawyer, provides the continuity of administration and policy found lacking in units where Deputy District Attorneys, interested in movement as to professional specialization, act as chief administrative officer.

ORGANIZATION CHART  
DOMESTIC RELATIONS DEPARTMENT  
of DISTRICT ATTORNEYS OFFICE  
SACRAMENTO COUNTY  
APRIL 1971

