



# What is Title IV-D? Title IV-D of the Social Security Act (Federal Law) Requires each state to provide services to the public to establish parentage and get and enforce child support orders Provides federal funding to states to assist with the cost of the program

# Child Support Program Background Historical Background Title IV-D Performance Problems in California Current system of establishing child support was inadequate Needed system that was quick & efficient Lack of uniformity of policies and procedures among courts/child support agencies

## Legislature's Response • Enacted AB 1058 in 1996 (Child Support Commissioner and Family Law Facilitator Program) • Provided the courts with direction on how to develop an effective program • Provided the courts with funding

## AB 1058 Program Objectives Establish a simple, speedy and cost-effective system that was accessible to families Mandate uniform and simplified procedures Create specialized child support commissioners and family law facilitators

## AB 1058 Program Realized - Child support commissioners/family law

- Specialized court procedures that are streamlined and unique to Title IV-D
  - Created specialized rules & forms

(II) facilitators in each county

Set up minimum qualifications for staff and standard training requirements

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## **Court Clerk Training Requirement**

California Rule of Court 5.355
Minimum standard of training for court clerk staff whose assignment includes Title IV-D child support cases

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## California Rule of Court 5.355

- Court clerk
- Assignment includes Title IV-D child support cases
- Minimum of 6 hours annually
- Federal & state laws concerning child support and related issues

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## Specialized Court Procedures for IV-D Cases

Proposed Judgment Process

Amended Proposed Judgment

Limitations on review of default judgmentsConfidential proof of service (redaction of addresses)

Objection to Child Support Commissioner vs. Stipulation to Commissioner

Notice Regarding Payment of Support

## **Title IV-D Funding**

 California Department of Child Support Services is the single state-level IV-D agency. All program funding flows through DCSS

• Program is 2/3 federal Title IV-D funds & 1/3 state funds

DCSS contracts with the JCC to provide child support court services. JCC then contracts with each court What do the courts and the JCC have to do to keep this funding?

Keep accurate records including having each person who works on the child support program keep accurate time records.

## **Time Studying**

Purpose is to make sure that grant funding is going to pay for grant-related activities

If an employee works 100% on Title IV-D work timesheet showing all hours under Title IV-D is enough

If employee works on Title IV-D and other nonfunded activities must track time spent by funding source

What is IV-D eligible activity for court clerk?

	SUPERIOR COURT OF CALIFORNIA, COUNTY OF				PAY PERIOD START:				PAY PERIOD END:				
	EMPLOYEE NU	WE:				PAY PERIOD	START:			PAY PERIOD E	iD:		1
	EMPLOYEE ST	ATUS:	FULL TIME		]		PART TIME						
	Federal regu	lations requi	re that all hou	rs worked by	an employee	must be acc	ounted for, reg	ardless of w	hether or not it	is reimburs	able by the gra	nt.	
П	A		С	D	t		0	н	- 1	J+(Bthru1)	К	- L	M+(J+L)
	Date	Tisle N-0 CSC Hours	Title IV-0 FLF Hours	Title IV-O Outreach Hours	Self-Help Center	(Insert Program Name)	(Insert Program Name)	(Insert Program Name)	Other Hours	Total Hours Worked	Unpaid Leave Time	Total PTO Used	Total Hours Including PT
1													
3													
5													
	Total Hours Percentage												_
	COMMENTS												
	Thereby certify	under penalty	of perjury that th	is time sheet a	ecourately repre	sents actual ti	me worked and a	ny leave time	thanged or author	iced to any gra-	nt included does	not exceed	
	leave time ear	ned while work	ing on the grant.										
		Signature		Date	_		or Signature						Date

	AB 1058 Program Audits
D	epartment of Child Support Audit Update
(CIT	Compliance with federal and state regulations
EUREK,	Completion of program deliverables
	Proper accounting records and adequate documentation
42 M	Program cost efficiencies
	Consistency of application of cost
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## DCSS AB 1058 Program Audits Department of Child Support Services Audit Update Total of 18 on-site audits of the AB 1058 CSC and FLF court programs have been completed by DCSS and published by the Judicial Council from November 2016 through September 2018. 8 audits were completed and published since the last AB 1058 Conference. Where there have been audit findings, courts have submitted corrective action plans. DCSS reviews status of implementation of those corrective action plans within 6 months of the plan submission. DCSS has submitted a letter to the Judicial Council regarding Superior Court Audits—Corrective Action Plan. The Judicial Council must respond by December 31, 2018.

## Significant Audit Findings Documentation of Time Working on the Grant Federal grant rules require that individuals working on the grant identify the actual time worked on the AB 1058 grant and only submit time worked for reimbursement. Most common finding was "court did not have sufficient support for personnel expenses claimed". Court staff did not report actual direct labor hours worked in AB 1058 activities but instead used some other unauthorized method that included: Filling out timesheet based upon proportion of budget rather than actual hours (for example, if funding for FLF was 50% grant and 50% self-help just recorded ½ of hours to the grant). Filling out timesheets based upon what a manager "thought" or projected the AB 1058 workload to be. Reporting all hours worked as AB 1058 even though individual staff worked on both AB 1058 and other activities.

## Rules & Forms General Overview

- Who can come up with ideas for rules & forms?
- What is the process for review and approval?
- What is the timeline?

### **Rules & Forms**

### **Governmental Forms**

 Special role of these forms given the volume of IV-D cases; numbers of self-represented litigants and the DCSS statewide automated environment

Role of Local Agencies in forms development and review

Special concerns

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### Fees & Costs in Title IV-D Cases

- Exemption of Child Support Agency from payment of fees and costs (Government Codes 6103.9)
  - No fee to file response or subsequent paper in action brought by DCSS (Government Code 70672)
  - What about Requests for Hearing on Wage Assignment? (CRC 5.335(c))



## **Plans of Cooperation**

- Required by the funding contract between JCC/court
- Can set out local case/form processing timelines
- Requires quarterly POC meeting between court and agency
- How can this be used to benefit case/forms processing and effective local court procedures.

## Time Standards Required by the Contract

### Minimum Time Standards:

- LCSA documents must filed and processed within ten (10) Court working days or immediately in exceptional circumstances.
- LCSA documents which require a Court hearing must processed within five (5) Court days of the submission.
- More timely processing of FL-191





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