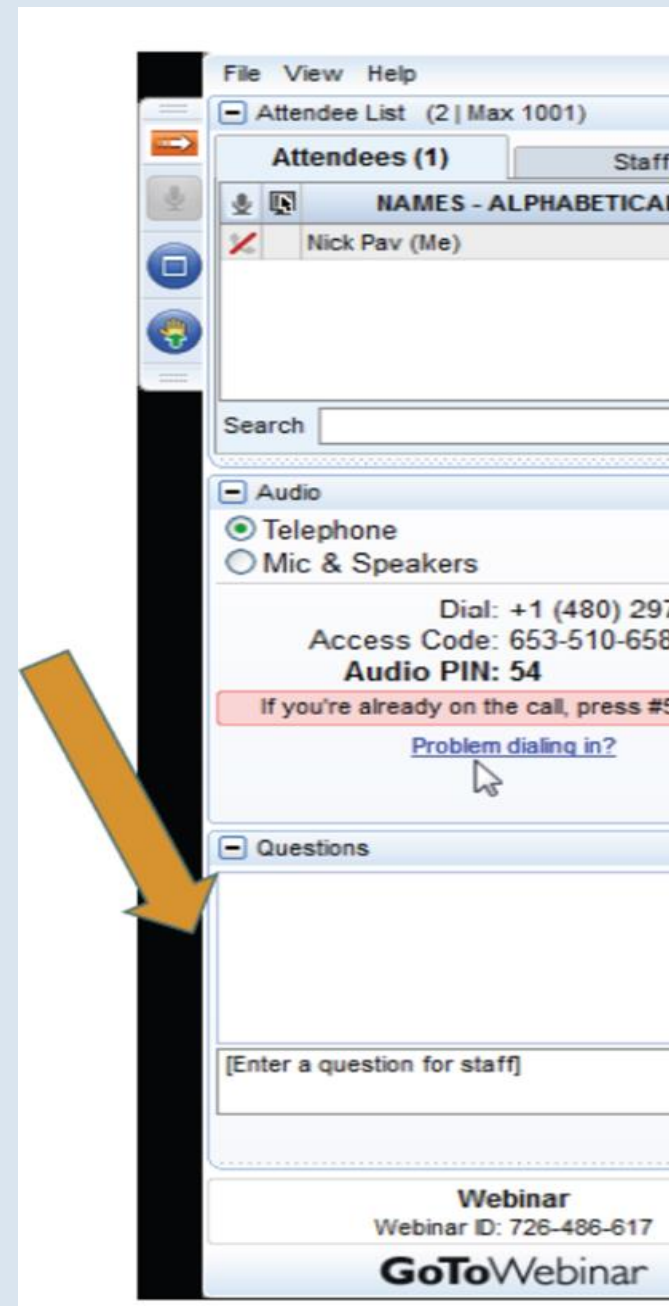




***Barrier Breaker:
Removing Child Support
Barriers to Reunification***

Logistics

- Webinar resources, including recording and supplemental materials, will be posted at <https://allianceforchildrensrights.org/resources/>
- All attendees are muted during webinar.
- Please submit questions using the “Questions” function on your GotoWebinar dashboard.



Agenda

- Issue Background
- Policy Change
- Practice Change



Presenters

Jill Duerr Berrick

*Distinguished
professor of Social
Welfare and a
Zellerbach Family
Foundation
Professor, University
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Introduction

Federal law requires, as a condition of funding under certain benefits programs, that certain parents whose children are in foster care can be ordered to pay child support to the state. **Specifically, federal law requires states to have a procedure whereby the state can collect support payments from parents undergoing foster care services.**

Federal Law

- Child welfare agencies are required to refer Title IV-E eligible parents whose children are separated to foster care to the state child support agency “where appropriate” and under conditions that support “the best interests of the child”
- Child welfare agencies *may* refer non-Title IV-E eligible parents
- **Intent:** To reimburse states for the cost of providing care

Federal Law: State Options

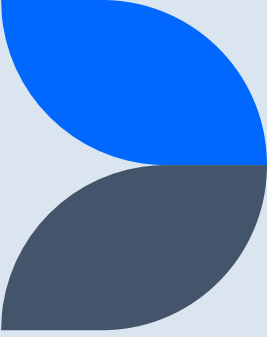
States *may* refer non-IV-E eligible parents

Referral exemptions can include:

- Parent working toward reunification
- If referral would pose a barrier to reunification

Exemptions must be reviewed individually

State Implementation



- Varies by state; some states automate all referrals
- Receiving child support agency locates parent & establishes child support obligation
- Courts impose obligation amount

Who Pays?

1

Fathers

- ~50% of fathers have an existing child support order
- Payments are re-directed to the state to offset the cost of care

2

Mothers

- Mothers' average child support order (CA) ~\$250/month
- ~ One-half of parents had an annual income <\$10,000

3

Children

- Delays or derails family reunification

What Happens If Parents Don't Pay?

Financial and Other Impacts

- Garnished wages
- Withheld tax rebates
- Withheld Veterans, SSI, & Social Security benefits
- Suspension of driver's license
- Suspension of business license
- Suspension of passport
- Termination of parental rights
- Debt/Arrears
 - 10% annual arrears



Impacts

Family

- Increases length of stay in foster care
- May affect the financial well-being of children in kin care
- May increase re-entry

Disproportionality

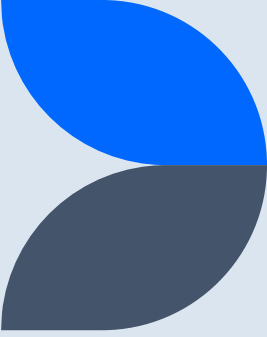
- Disproportionately affects Black families
- Disproportionately affects low-income families
- Inequitably applied

Fiscal

- Administrative expenditures exceed cost recovery



Family: Length of Stay in Foster Care



- Low family income, welfare receipt, & variability in income affect the likelihood of reunification (Berrick et al., 1999)
- Declines in parental income result in increased durations of stay (Wells & Guo, 2006)
- Maternal payments of \$100/mo result in 6.6 month increased durations in care
- \$100/mo payments reduced likelihood of reunification by 17%
- Findings for Black families were 4.5 months longer (Cancian et al., 2017)

Disproportionality



County Variability



Caseworker
Variability

No association between parental income, likelihood of child support order, or payment amount set by courts.

(Chellew et al. 2012)

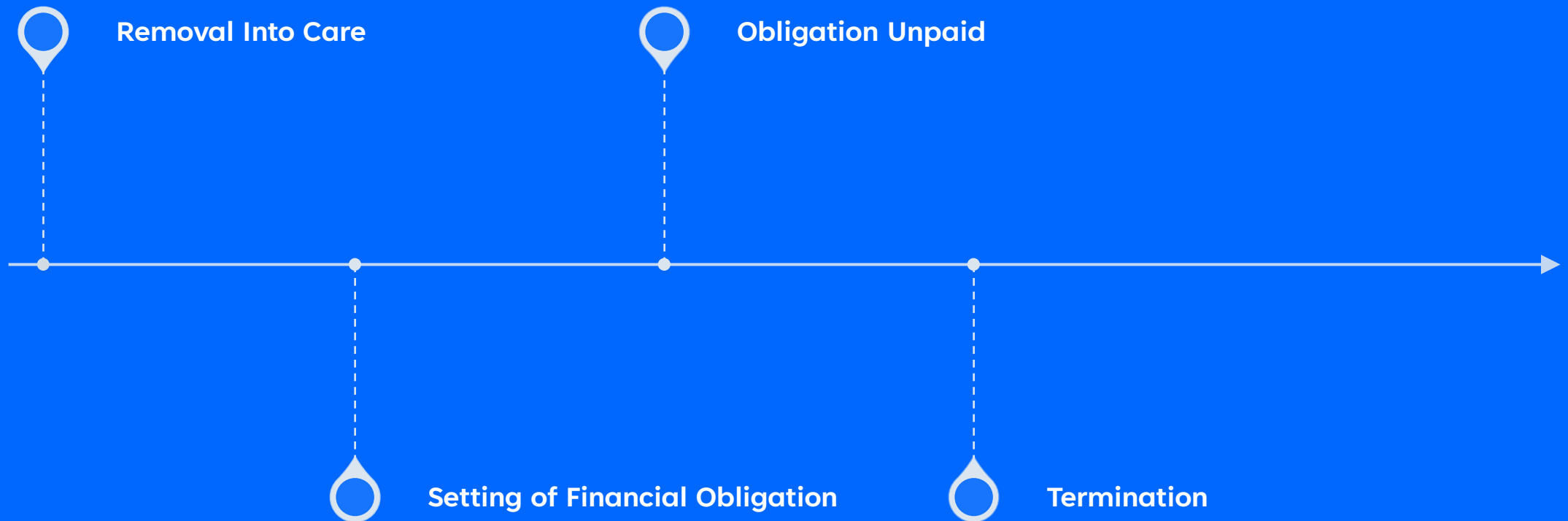
Collections

Cost Ineffective

- Approx. \$22 million collected in CA
- Cost-benefit analyses conducted in CA, MN, WA & WI show that administrative costs exceed revenue collected
- CA ratio: \$1.00 spent on collections = \$0.27 collected



Timeline



2022 Federal Policy Change

“Securing an assignment of the rights to child support is generally deemed not to be cost effective as analyses have shown that very low levels of collection are obtained, particularly in comparison to the costs for administering child support for children in title IV-E foster care [citations]. On addition, children receiving title IV-E [benefits] have been removed from households where they would have qualified for Aid to Families for Dependent Children (AFDC) under a state’s July 16, 1996, standard of need. This means that the parent(s) of these children are likely to be living in poverty. It is almost never the case that securing an assignment of the rights to child support is in the best interest of a child during the time the child is in title IV-E foster care.”

2022 Federal Policy Change

“We ask that child welfare agencies make the necessary amendments to their systems to effectively implement a policy where the default position is not to refer parents to the child support agency . . . We want to support parents by eliminating the stress that accompanies administrative and court appearances – particularly when it leads to additional financial obligations.”

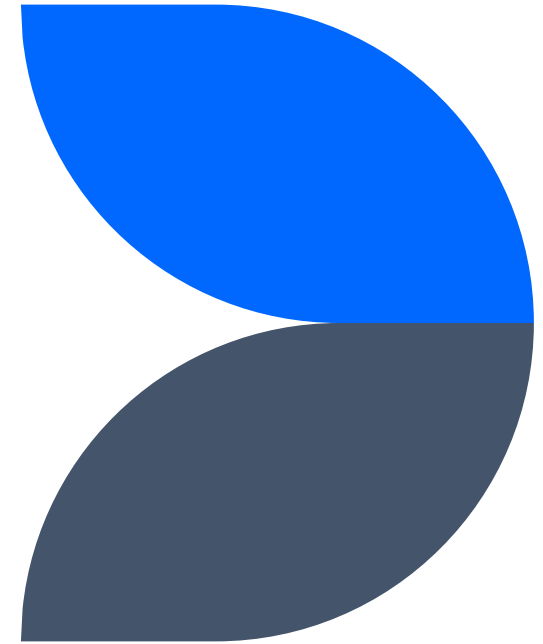


California Department of Child Support Services

- **47 child support agencies across California establish and enforce child support and medical support orders.**
- Either parent or any guardian of a child can open a child support case, whether or not there is an existing child support order, and a case is automatically opened when a child receives public assistance.
- **All case services are handled at the county or regional level** and all child support-related questions should be first routed to the agency in your county or region of residence.

California

- About 14,000 new cases are referred to child support annually
- Approx. 62,545 total caseload
- Implementation appears to vary by county



Are foster care cases similar to the rest of the child support caseload?

No, **foster care cases are fundamentally different from non-foster care cases because at least one of the obligated parties is often working simultaneously towards reunification with the child.** The child welfare agency assists in the reunification effort by requiring rehabilitative education, and programs designed to improve the parent's child-rearing skills. In addition, these parents are in deeper poverty, their payment rates are much lower, and the parent required to pay child support is more often the mother.

No money goes directly to support the child. These funds are used exclusively to reimburse the federal government for stipends paid to foster parents, and county and federal governments for child welfare costs.



AB 1686 (Ch. 755, Statutes of 2022)

States Legislative findings and declarations:

- **In reunification cases, attempts to collect child support are both cost ineffective and have been proven to harm reunification efforts and destabilize families.**
- 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 to that basic purpose.
- **It is the intent of the Legislature to limit the referral of these out-of-home cases to county child support enforcement departments.**



“

“In many places in California parents are charged for the time their children spend in foster care. This debt is a real and significant barrier to the goal of family reunification. It disproportionately burdens single women of color, and studies have shown that the cost of collections exceeds the debt owed. It’s time to end this ineffective and inefficient practice statewide, as several counties have already done. That is why on a state-wide level AB 1686 directs Child Welfare Agencies to prioritize family reunification over the practice of burdening parents and guardians with unnecessary debt.”

- Assemblymember Isaac Bryan, AD 54

”

AB 1686 (Ch. 755, Statutes of 2022)

Requires CDSS' regulations:

- to require the county welfare department, in making the determination whether a case of separation or desertion of a parent or parents from a child that results in foster care assistance payments or a voluntary placement agreement, as provided, **to presume that the payment of support by the parent is likely to pose a barrier to the proposed reunification**
- regarding 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, **include the presumption that the payment of support by the parent is likely to pose a barrier to the proposed reunification**

Requires CDSS:

- to revise its regulations to implement the provisions of this bill on or before October 1, 2023



ACL 23-29

Purpose

The purpose of this All County Letter is to announce **new policy for child support referrals being made for families who are receiving child welfare services**. This letter impacts county child welfare, juvenile probation departments and all federally recognized Tribes.



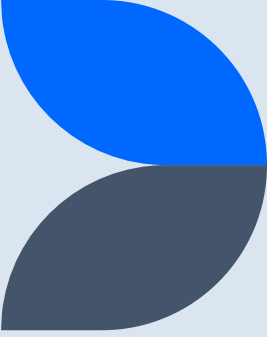
Research on Impact

Foster care cases are fundamentally different from non-foster care cases when addressing caseloads for child support enforcement workers. Some of the fundamental differences include:

- **Foster care cases are in deeper poverty.**
- **No money goes to the child.**
- **At least one of the obligated parties is often working towards reunification with their child.**
- A large portion of obligors in the foster care caseload are mothers.
 - 41% compared to the non-foster care caseload of 10%.
- **Most often there is little or no collection at all on foster care child support orders.**
- Foster care cases can be more complex and require about 50% more effort to initiate and establish, but 25% less effort to enforce.

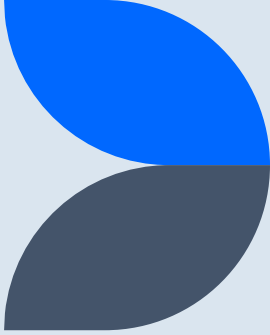


Child Support Referrals



- **Effective January 1, 2023, counties shall no longer refer parents, whose children have been removed from the home and who are receiving Child Welfare Services, to child support agencies; applies to:**
 - family reunification services are being received or have been terminated,
 - a parent has refused reunification services,
 - or cases that are in any other related program including, but not limited to:
 - family maintenance;
 - legal guardianship (including Kinship Guardianship Assistance Payments [Kin-GAP] Placements); placement with a nonrelative extended family member;
 - or placement in another planned permanent living arrangement (APPLA).
- In the case of an Indian child, whose case is under county jurisdiction, the case worker should consult with the Tribal representative to inform them of this new policy and collectively determine if a referral to child support collections is in the best interest of the child and will not be a barrier to reunification efforts.

Child Support Referrals



Additionally, as of January 1, 2023, the accrual and collection of foster care related child support payments for cases that do not meet the exception below shall stop.

- **The only exception** to this new policy is if at the time of assessment, a parent's annual income is greater than \$100,000 annually **or** 400% of the federal poverty level, whichever is greater, **and** a referral to the child support agency will not pose a barrier to reunification.
- For this exception to apply, the caseworker must assess the parent's economic situation and be able to demonstrate that a referral to a local child support agency will not pose a barrier to any proposed reunification plan.

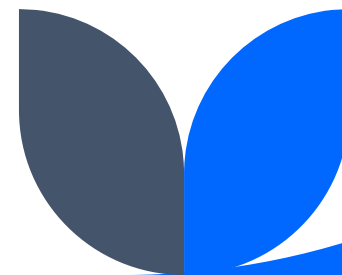


Child Support Referrals

For existing foster care related child support referrals that do not meet the exception, including those made between January 1, 2023, and the publishing of ACL 23-29, counties should use their existing processes for notifying their child support agencies, i.e., forms CW 51, CW 371, or other county specific forms to terminate their referrals to child support.

Child Support Accruals & Arrears

- **As of January 1, 2023, ACL 23-29 stops the accrual process on active foster care child support cases and stops future referrals to child support agencies, unless the single income exception is met.** Because this new policy halts foster care child support referrals, unless the exception is met, there will be fewer cases requiring regular reviews.
- ACL 23-29 does not remove obligations already assigned to families; the issue of arrears will be addressed in another letter.



Probate & Non-Foster Care Related Child Support Orders

- **ACL 23-29 does not apply to probate cases, or other non-foster care related child support orders.**
- For youth who are involved in probation and under supervision of the Juvenile Court, please see related information regarding wards/probation youth child support referrals in [ACL 20-09](#).

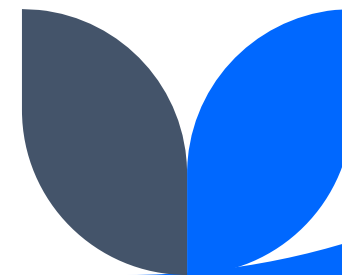
2023: AB 1324 (Bryan)

Addressing Arrears

- AB 1324 offers a simple solution: cancel foster care-related debts for parents whose children were previously in out-of-home care.
- Eliminating these arrears would fully align state policy with federal guidance and ensure greater family financial stability.

Assemblymember Bryan on AB 1324

“Despite state and federal guidance encouraging counties to end the practice of billing parents for their child’s time in foster care, thousands of families in California are still in crippling debt owed to the state because they were billed this guidance went into effect. Parents carrying the weight of these debts - and the 10% interest these debts accrue – are kept in poverty, increasing the risk of foster care re-entry.”



Resources

- [ACF 2022 Child Support Referral](#)
- Orange County Department of Child Support Services [Child Support and Foster Care](#)
- Cal Matters: [Reduce number of CPS families required to pay for foster care](#) – Jill Duerr Berrick
- [ACL 23-29](#) – Child Support Referral
 - If you have any questions or need additional guidance regarding the information in ACL 23-29, contact the Permanency Policy Bureau at (916) 651-7394 or the Family Reunification and Pathways to Permanency Policy Unit at ReunificationPermanency@dss.ca.gov
- [CW 51](#) – Child Support – Good Cause Claim for Noncooperation

Summary

Child support enforcement represents the antithesis of the values and goals that the Child Protective Services system intends. Therefore, child support should not be imposed on parents trying to bring their children home from foster care.

ALLIANCE *for* CHILDREN'S RIGHTS

Webinar resources, including recording and supplemental materials, will be posted at <https://allianceforchildrensrights.org/resources/>

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