

ENFORCING CHILD SUPPORT PAYMENTS

Summary

The 2002-2003 Sonoma County Civil Grand Jury reviewed the operations of the Department of Child Support Services. Prior to July 2002, the collection of child-support payments was the responsibility of the Family Support Division administered by the District Attorney's Office; in July it became the Department of Child Support Services (DCSS) and reported directly to the Board of Supervisors with primary funding from the state. The Grand Jury found the agency is fulfilling the state mandate of collecting court-ordered child support payments. These collection efforts resulted in financial improvement in the lives of children and their families and caused some reduction in the public funding of needy families.

Reason for Investigation

The Grand Jury received a complaint regarding the Department of Child Support Services. The Jury reviewed the effectiveness of the agency in communicating with each parent and in supporting them as they work together to support their child.

Background

The Federal government in 1988 recognized that many children and their families were suffering from not receiving the child-support payments ordered by the courts. State guidelines and local programs were developed to collect these payments.

During a divorce process, the Family Law Court in Sonoma County works with parents to resolve the issues of both child support and child custody and/or visitation rights. If, at some time in the future, child-support payments become delinquent, the custodial parent may then request that the DCSS open a case against the non-custodial parent in order to enforce the support payments. If a family has been receiving aid through TANF (Temporary Assistance to Needy Families), that agency may also open a case to recover the debt of past funding.

Investigative Procedures

The Grand Jury:

1. Interviewed the following persons:
 - Director of Child Support Services
 - Commissioner, Child Support Services
 - Staff member of the California Parenting Institute
 - Legal Advocate, California Parenting Institute
 - Non-custodial Parent
 - Complainant

2. Reviewed the following documents:
 - Opening Packet, Child Support Services
 - Letters of Review and Adjustment, Child Support Services
 - Case Initiation Letters, Child Support Services

- Guide for Parents, Child Support Services
- Information Handbook, English and Spanish, Child Support Services
- Child Support Handbook, State of California
- *Faces of Fathers*, Sonoma County Community Foundation
- Brochure, Parent Involvement and Employment Program (PIEP)
- Standard California Codes of Civil Procedures, 2003
- Various newspaper articles

3. Attended:

- Family Law Court
- Child Support Court

Findings

F1. The Department of Child Services (DCSS) determines the level of child-support payments for each client by means of a computer program called Disso Master. This allows the agency greater flexibility in determining an equitable payment in contrast to a standard payment system used by the previous Family Support Division.

F2. The DCSS has the authority and power to secure child-support payments from non-custodial parents if there is resistance. This includes the loss of licenses such as vehicle or professional licenses, liens against IRS payments and even the threat of incarceration. These procedures are usually very effective in obtaining payments from non-custodial parents. However, because of the size of the debt incurred, including arrearages, the support order may result in angry clients that can lead to further family disruption.

F3. The interest charge on unpaid child support was revised in 1983 and set at the current rate of 10%. This charge for all California State civil judgments is set in the California Code of Civil Procedures, section 685.010. Interest fees go to the custodial parent unless there are unpaid debts to the public sector for family assistance.

F4. The agency is currently collecting 60% of delinquent child-support payments. The state has mandated a 2% increase in the collection rate even though the rise or fall of the amount collected is mostly dependent on the state of the economy. If the family has been receiving public assistance, the child-support payment goes to the family up to the amount ordered by the courts. Any money above that is used to repay any public assistance.

F5. When the Department of Child Support Services is determining child-support payments, it has no authority to change child custody unless the parents reach an agreement through an agency-sponsored mediation. If no agreement is reached on such custody issues, the parents must open a case at the Family Law Court.

F6. DCSS has extensive documentation and explanations in both English and Spanish of the required procedures in the form of letters to parents and brochures that detail the work of the agency. DCSS follows strict time lines allowing 180 days from the opening of a case until the order for payment is released. Once the agency receives the support payment it must be forwarded to the custodial parent within 48 hours.

F7. The Department of Child Support Services has continued the contract with the California Parenting Institute (CPI) to provide court-ordered classes to help build parenting skills for the non-custodial parent. This includes free legal support, classes in anger management and communication skills, and assistance in finding employment through the Parent Involvement and Employment Program (PIEP). Understanding the parenting role and becoming employed facilitates the payments of child support.

Conclusions

The 10% interest charged on all civil judgments, including default support payments, was logical when increased in July 1983 from 7% to 10%, but seems excessive in today's interest rate structure. It is also unreasonable to believe that the legislature will reduce that rate in the current economic climate without continued pressure from governmental bodies including Child Support Services.

The Department of Child Support Services is serving its primary clients, the children of Sonoma County, by enforcing the collection of child-support payments. These payments are now more equitably correlated with the financial status of the parent. In addition, the agency is attempting to help the parent feel more responsible about his or her obligations, both financial and social, by the parenting skills training and assistance they receive.

Recommendations

R1. All agencies involved with child-support collections should pressure the California State Legislature to reduce the interest collected on default child-support payments to a more equitable amount.

Required Responses to Findings

None

Required Responses to Recommendations

Sonoma County Board of Supervisors: R1

Director of Child Support Services: R1

Commissioner of Child Support Services: R1