

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: June 28, 2007
POSITION: Neutral
SPONSOR: San Mateo County Board of Supervisors

BILL NUMBER: SB 523
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BILL SUMMARY: Child Support: Order to Seek Employment

This bill would establish a pilot program in San Mateo County allowing courts to issue a seek-work order at the same time as an initial order for child support. The pilot program would be in effect until January 1, 2011 and the San Mateo child support enforcement agency would be required to submit a report to the Legislature on the pilot program.

This bill also would allow local child support agencies (LCSAs) to submit court documents with electronic signatures on child support documents.

FISCAL SUMMARY

This bill would have no fiscal impact on the state. Costs for the pilot program would be fully borne by San Mateo County. The use of electronic signatures on child support documents is already planned for inclusion in the design of the California Child Support Automated System (CCSAS) for those LCSAs that have this functionality in their current systems and costs are included in the Department of Child Support Services (DCSS) budget.

Although additional business partner, network, and infrastructure costs could be incurred to expand this functionality beyond the five LCSAs already supported, current law does not prohibit such an expansion. This bill would explicitly authorize such an expansion, but it would still be subject to the standard information technology and budgetary review and approval processes.

COMMENTS

The Department of Finance is neutral on this bill. Although additional costs could be incurred to expand functionality beyond the five LCSAs that currently utilize an automated interface to submit documents with electronic signatures, this bill simply authorizes such an expansion and does not require it.

Analyst/Principal Date Program Budget Manager Date
(0513) E. Swanson Michael Wilkening

Department Deputy Director Date

Governor's Office: By: Date: Position Approved
Position Disapproved

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

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**ANALYSIS**

## A. Programmatic Analysis

***Order to Seek Employment***

**Under current law** courts may require individuals, who are in violation of a child support order and claim unemployment as the reason for delinquency of child support payments, to seek employment and provide verification.

**This bill would** establish a pilot program in San Mateo County which would sunset on January 1, 2011. The pilot program would allow a court to issue a seek-work order at the same time as the initial order for child support is issued if: (1) The child support officer has conducted an evaluation of the income and earning ability of the obligor-parent; (2) The child support officer believes that, unless ordered by the court to seek employment, the obligor-parent will ignore the child support order and is likely to default on the child support obligation; and (3) The child support officer provides the reasons for that belief. The purpose of the bill is to implement this process on a pilot basis to determine whether it would be useful in streamlining processes and improving child support collections performance.

The DCSS indicates that the San Mateo County LCSA would use a manual process to incorporate the pilot seek-work order into the initial child support order, and that no changes to the CCSAS would be required. In addition, the DCSS has indicated that this would not create an issue for the current federal certification review of the CCSAS systems which requires that child support be administered uniformly statewide. The federal government allows some flexibility for pilot or demonstration projects within counties.

***Electronic Signatures***

**Under current law**, courts may allow submission of documents with electronic signatures at the local court's discretion.

**The bill would** permit all LCSAs to file child-support documents with electronic signatures provided the documents do not require a signature under penalty of perjury.

Currently, five LCSAs (Orange, Riverside, San Diego, San Joaquin, and Los Angeles) have functionality to electronically exchange court documents using their existing Child Support Enforcement systems. Finance approved Special Project Report #5 on December 29, 2005 which included a change request to include this functionality in the single statewide system for the five LCSAs, and to develop a standard interface with the California Court Management System.

The Office of Technology Review, Oversight, and Security (OTROS) has reviewed this bill and is not conceptually opposed to allowing additional LCSAs to exchange court documents electronically. However, if this bill were implemented, the OTROS would recommend deferring any expansion of the functionality beyond the five LCSAs currently planned until after a single statewide system is federally certified and the federal spending cap is lifted, unless: (1) the DCSS/LCSAs can demonstrate significant savings or efficiencies that would justify the costs; and (2) the rollout schedule is not compromised by diverting resources to this activity. Any decision to add LCSAs would be subject to the existing change request process, and would be requested in federal and state project documents.

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**B. Fiscal Analysis**

This bill would not result in any additional costs to the state under the current CCSAS plan. The use of electronic signatures on child support documents is already planned for inclusion in the design of the CCSAS for the five LCSAs that have this functionality in their current systems and costs are included in the Department of Child Support Services (DCSS) budget. However, the DCSS has indicated that additional business partner, network, and infrastructure costs may be incurred to expand this functionality beyond the five LCSAs.

The costs of the pilot Order to Seek Employment program would be borne entirely by the County of San Mateo. The bill would specify that, since this bill was requested by the County of San Mateo, the costs of the pilot program would not be reimbursable.

Under Section 6(a) of Article XIII B of the California Constitution, any costs to a unit of local government which result from legislation specifically requested by the affected local entity are not reimbursable by the state. In addition, Section 17556(a) of the Government Code provides that the Commission on State Mandates shall not find a reimbursable mandate in such legislation. This measure is in response to a request from the only affected local entity, the San Mateo County Board of Supervisors. Therefore, although this bill will result in additional costs to local government, those costs are not state-mandated and, accordingly, are not reimbursable.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code
	LA	(Dollars in Thousands)							
	CO	PROP	FC	2007-2008	FC	2008-2009	FC	2009-2010	
5175/ChildSupport	LA	No			-----	No/Minor Fiscal Impact	-----		0001