



ATTACHMENT 3

Collections for Probation as an Eligible IV-D Activity

SUMMARY OF THE ISSUE

Child Support Services (CSS) performs activities as defined in Title IV-D of the Social Security Act, funded by Federal (2/3) and State (1/3) funds. California Welfare & Institutions Code Section 903 and 903.4 contain mandates that CSS collect money from families to cover the living expenses of minors in detention. Santa Barbara CSS has been doing this for many years, but has recently been told this is not eligible for IV-D funding. The federal government indicated that a key factor in determining whether probation collections were eligible for funding under the IV-D program is whether the parents of detained children were mandated by California state law to assign their rights to child support to the Probation Department. This is currently not the case.

PUBLIC BENEFIT/IMPACT

Increased collections for Probation, to ease the burden on the local General Fund and maximize the use of resources, including investigative and collection procedures available to CSS, ensure that court ordered payment/collection is directed to the custodial party, in this instance the Probation Department of the County for the services provided. Given the multitude of investigative and collection resources available by law to a CSS Department, use of such department to continue to provide maximum funding to a probation department ensures that the revenue due to the minor and the custodial party is collected and appropriately remitted. Standard collection agencies throughout the State without such tools collect less money, thus placing the General Fund of the County in the primary position to provide funding for services that have previously been determined to be the responsibility of the custodial parent. Failure to use all resources at the disposal of the local government to seek available revenue further burdens the shrinking revenue of counties, forces an unwarranted general fund subsidy of probation departments, and fails to hold the appropriate party responsible for payment.

COST TO THE GOVERNMENT

Ensuring that child support payments are directed to the custodial party to offset the cost of basic services is inherent to the mission and mandates of Child Support Services Statewide. In the particular instance when a child is in the custody of parent(s) and then directed to the custody of a probation department, the custodial party becomes the probations department, which in turn provides basic services such as food, clothing, and shelter of the minor. Collection of the court-ordered child support payment and remission to a probation department to cover the cost of basic services ensures that a responsible party required by law to provide for the minor continues to meet this obligation. The cost of providing basic services such as food, clothing, shelter, and minor necessities such as shampoo and soap amounts to \$29.28 per day per individual. Cost of medical care, supervision, and other administrative costs associated

COUNTY EXECUTIVE OFFICE

105 East Anapamu Street, Suite 406
Santa Barbara, California 93101
805/568-3400 • Fax 805/568-3414

Terri Maus Nisich, Assistant County Executive Officer
Sharon Friedrichsen, Assistant to the County Executive Officer



ATTACHMENT 3

with the care of a minor in the custody of the probation department cannot be recovered via this funding source.

In 2008, the CSS Department collected \$360,000 in support payments on behalf of the Santa Barbara County Probation Department. This represents collections for approximately 360 juveniles. Given the determination by the State Department of Social Services, CSS has not opened any new cases since October 2007.

Further, the State has notified the Department that all remaining cases must be transitioned and an alternative collection program to be instituted by the Probation Department. As of December 2009, the Probations Department has received \$50,000 in payment for services. However, the Probation Department spent over \$1 million on services such as food and clothing for the children in custody in FY 2008-09, which is only a partial offset of the costs. In addition, the loss of revenue to the Probation Department results in decreased funding for other programs, such as offender supervision, where a loss of revenue results in a reduction of officers who supervise high priority cases. In turn, the cases are moved to central caseloads which are already supervised at a ratio of over 600 cases per officer.

REQUESTED ACTION AND STRATEGY

Engage the County's Federal and State representatives in action to provide that juveniles in the custody of probations departments in the State of California be eligible to receive IV-D funding. In addition, begin research to determine an approach to declare that juveniles in the custody of a probations department may receive temporary rights to child support funding while detained in a juvenile probations facility.

CONTACT:

Carrie Topliffe, Director, Child Support Services 805.568.2326

COUNTY EXECUTIVE OFFICE

105 East Anapamu Street, Suite 406
Santa Barbara, California 93101
805/568-3400 • Fax 805/568-3414

*Terri Maus Nisich, Assistant County Executive Officer
Sharon Friedrichsen, Assistant to the County Executive Officer*