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THIRD READING

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Bill No: AB 207  
Author: Committee on Budget  
Amended: 8/26/22 in Senate  
Vote: 21

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PRIOR VOTES NOT RELEVANT

SENATE BUDGET & FISCAL REVIEW COMMITTEE: 15-0, 8/29/22  
AYES: Skinner, Caballero, Cortese, Durazo, Eggman, Kamlager, Laird, McGuire,  
Min, Newman, Ochoa Bogh, Pan, Roth, Stern, Wieckowski  
NO VOTE RECORDED: Nielsen, Dahle, Grove, Melendez

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**SUBJECT:** Human services omnibus

**SOURCE:** Author

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**DIGEST:** This bill is the Human Services omnibus trailer bill.

**ANALYSIS:**

This bill:

- 1) Makes various changes to the California Work Opportunity and Responsibility to Kids (CalWORKs) and CalFresh nutrition programs:
  - a) Requires the State Department of Social Services (DSS) to consult with the California Work Opportunity and Responsibility to Kids (CalWORKs) Outcomes and Accountability Review (Cal-OAR) workgroup in the fall of 2022 to develop recommendations to mitigate the existing emphasis on penalties for not complying with the federal work participation rate while implementing the first cycle of the Cal-OAR process. Requires the department to submit recommendations to the Legislature on or before April 15, 2023.
  - b) Requires the DSS to reconsider the costs of county operations in the CalWORKs single allocation for the 2024–25 fiscal year, and for every third

fiscal year thereafter. Requires the DSS to provide information to the legislative budget committees regarding this reconsideration.

- c) Requires the DSS to review CalFresh costs of county operations for the 2027–28 fiscal year and every third fiscal year thereafter. Requires consultation with legislative staff, advocates, organizations that represent county workers, and representatives of county human services agencies and the County Welfare Directors Association of California (CWDA) and requires the DSS to provide information to the legislative budget committees regarding this review.
- 2) Makes various changes to the California child welfare system including the following:
- a) Establishes, the Excellence in Family Finding, Engagement, and Support Program, administered by the DSS to conduct specialized permanency work with a focus on establishing and maintaining permanent connections for foster children, as specified and subject to appropriation. Features of this program include:
    - i) Requires a county that elects to participate in the program to provide a match of local funds, which may include specified in-kind contributions, equal to one half of all state funds provided to the county under the program.
    - ii) Requires a participating county to provide information to the department on which of the specified activities it has performed. These may include training in family finding techniques, enhanced staffing or tools to identify, locate and engage persons related to a foster child by blood or marriage, identification and engagement of other family-like relationships, outreach to adults who may be able to identify and engage family and family-like relationships, specialized training for caseworkers, or other specified uses.
    - iii) Authorizes a participating county to elect to contract with a nonprofit community-based organization to provide services pursuant to the program.
    - iv) Prohibits funds allocated under the program from being used to supplant existing family finding and engagement programs, and requires counties to maintain records demonstrating that program funds have not supplanted existing program funding.

- v) Requires the DSS to establish procedures for program data collection and reporting by counties and participating tribal entities, and to establish procedures for tracking and reporting program outcomes measures.
  - vi) Requires the DSS to develop an allocation methodology for counties that elect to receive funds under the program and requires the DSS to make funds available to participating counties according to the allocation methodology on or before March 1, 2023. Requires the DSS to consult with Indian tribes to develop an allocation methodology and procedures for program participation for Indian tribes, consortia of tribes, or tribal organizations.
- b) Requires the department to establish, or contract for the establishment of, the Center for Excellence in Family Finding, Engagement, and Support, subject to appropriation.
- i) Requires the Center to provide, or contract for the provision of, multitiered, culturally appropriate training and technical assistance to county child welfare and probation departments, participating tribes, and foster care providers.
  - ii) Requires the Center to train family finding and engagement program staff to ensure best practices.
- c) Establishes the Tribally Approved Homes Compensation Program to provide at least \$75,000 annually to any federally recognized Indian tribes located in California, or with lands that extend into California, for the costs associated with recruiting and approving homes for foster or adoptive placement of an Indian child pursuant to Indian Child Welfare Act of 1978 (ICWA). Requires an Indian tribe that receives funding to submit a progress report to the department describing how the tribe administered the funds. Requires the department annually to provide to the budget committees of the Legislature a report summarizing the information and data provided by the Indian tribes in their progress reports.
- d) Establishes the Tribal Dependency Representation Program to provide funding to assist any federally recognized Indian tribe located in California, or with lands that extend into California, in funding legal counsel to represent the Indian tribe in a California Indian child custody proceeding in the juvenile court. Requires an Indian tribe that seeks funding for this purpose to submit an annual letter of interest to the department. Requires the department, subject to an appropriation in the annual Budget Act, to provide

each Indian tribe that enters into a specified agreement and submits a letter of interest an annual base allocation of \$15,000 for legal counsel, as specified. Requires an Indian tribe that receives funds to submit an annual progress report regarding the number of Indian child custody proceeding hearings to the department, as specified.

- e) Authorizes the DSS to implement and administer provisions relating to the Child Welfare Services/Case Management System (CWS/CMS) and the replacement system, the Child Welfare Services– California Automated Response and Engagement System (CWS-CARES), through all-county letters or similar instructions, until final regulations are adopted. Requires the DSS to include an update on the development of regulations as part of legislative updates that occur pursuant to current law, and, by October 1, 2024, to provide a formal update on the status of the development of regulations to the Legislature.

3) Makes various changes to the state's child support program including:

- a) Requires, in compliance with the federal Flexibility, Efficiency, and Modernization in Child Support Final Rule of 2016, the following:
  - i) Suspension of a money judgment or order for child support for a paying parent who is incarcerated or involuntarily institutionalized effective on the first day of the first full month of incarceration or involuntary institutionalization. Includes involuntary confinement in a federal prison in this criteria. Eliminates the exemption from suspension for a person owing support who was incarcerated or involuntarily institutionalized for domestic violence, thereby allowing the suspension of a money judgment or order against that person. Makes these provisions applicable to any child support obligation that accrues regardless of when the child support order was established.
  - ii) Requires the Judicial Council of California to include additional data in its periodic review of the statewide uniform guideline for child support, including labor market data, such as employment and unemployment rates, among others.
  - iii) Requires the court, when determining earning capacity of a parent in lieu of the parent's income, to consider the specific circumstances of the parent, including the parent's assets, educational attainment, health, and other factors. Also prohibits the court from considering incarceration or

involuntary institutionalization as voluntary unemployment in establishing and modifying support orders.

- b) Implements statutory changes for a full pass through of child support for formerly assisted families in the CalWORKs program. Requires any amount of child support collected in a month in payment of an assigned support obligation to be passed through to a former recipient of CalWORKs aid, except recipients of specified foster care payments. Requires aid that cannot be delivered to a former CalWORKs recipient for a period of six months to instead be sent to recoup aid paid on behalf of the recipient. Makes those provisions operative on July 1, 2023, or when the Department of Child Support Services provides the Legislature with specified notifications whichever date is later.
- c) Requires the Department of Child Support Services (DCSS) to monitor the number of claims made after payments are sent for recoupment and to provide this information to specified committees of the Legislature, as specified.
- d) Requires, no later than May 1, 2023, the DSS, in collaboration with the DCSS, to submit a report to the Legislature providing an evaluation of the passthrough for formerly assisted families, including a review of any potential unintended impacts, both positive and negative, and potential solutions to address any identified unintended impacts.
- e) Provides that on January 1, 2024, or the date when automation can be completed, whichever is later, that the state will exempt the reasonably anticipated full amount of support passed through to families from being deducted from the amount of aid to which an assistance unit would be eligible. Also exempts any other child support payments as income and resources for purposes of determining initial and continued eligibility and grant amount for the CalWORKs program, as specified.
- f) States legislative intent for the DCSS to implement a full passthrough of child support payments collected to families currently receiving CalWORKs benefits by January 1, 2025.
- g) Requires the DSS, in conjunction with the DCSS, to convene a workgroup that consists of representatives from the Legislature, the County Welfare Directors Association of California, advocates for low-income families with children and noncustodial parents to evaluate unintended consequences of enacting a full pass through of child support payments to custodial families

currently receiving CalWORKs benefits. Requires the DSS to submit a report by April 1, 2024, to the Legislature that summarizes the workgroup conversations and includes proposed mitigation strategies for preventing unintended consequences.

- 4) Makes technical changes to the Office of Youth and Community Restoration, including:
  - a) Authorizes, until January 1, 2028, the Office of Youth and Community Restoration to establish grantmaking programs with the funding designated in the Budget Act of 2021 and with other funding available for that purpose by means of information notices without taking further regulatory action. Additionally authorizes, until January 1, 2028, the Office to enter into exclusive or nonexclusive contracts, or amend existing contracts, on a bid or negotiated basis for purposes of implementing activities funded by the Budget Act of 2021 and other funding available for these purposes and would exempt those contracts from compliance with specified laws.
  - b) Incorporates double jointing provisions to avoid a chaptering out potential for Section 2200 of the Welfare and Institutions Code if both this bill and Assembly Bill 2417 are enacted.
- 5) Makes additional changes to statute including:
  - a) Extends the sunset for the Limited Examination and Appointment Program (LEAP) and, correspondingly, the date for the Department of Human Resources to provide an alternative to the traditional civil service examination and appointment process to facilitate the hiring of persons with disabilities from January 1, 2023 to January 1, 2024.
  - b) Appropriates \$3,000,000 in federal funds to the DSS for the Tribally Approved Homes Compensation Program.
  - c) Declares that that this bill is to take effect immediately as a bill providing for appropriations related to the Budget Act of 2022, and Includes provisions to recognize that the California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

**FISCAL EFFECT:** Appropriation: Yes Fiscal Com.: Yes Local: Yes

According to the Senate Budget and Fiscal Review Committee, this bill appropriates \$3,000,000 in federal funds to the Department of Social Services for the Tribally Approved Homes Compensation Program.

**SUPPORT:** (Verified 8/25/22)

None received

**OPPOSITION:** (Verified 8/25/22)

None received

Prepared by: Mareva Brown / B. & F.R. / (916) 651-4103  
8/30/22 12:03:22

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