

## CONCURRENCE IN SENATE AMENDMENTS

AB 207 (Committee on Budget)

As Amended August 26, 2022

Majority vote Budget Bill Appropriations Takes Effect Immediately.

**SUMMARY**

This is the Human Services August Omnibus Trailer Bill, with statutory changes required to implement appropriations made in the 2022 Budget Act.

**Senate Amendments**

This bill does the following:

- 1) Requires the State Department of Social Services (DSS) to consult with the California Work Opportunity and Responsibility to Kids (CalWORKs) CalWORKs Outcomes and Accountability Review (Cal-OAR) workgroup in the fall of 2022 to develop recommendations to address the existing emphasis on the federal work participation rate and penalty pass-on structure in current law while optimizing the implementation of the first cycle of the Cal-OAR process. Requires the department to submit recommendations to the Legislature on or before April 15, 2023.
- 2) Requires the DSS to reconsider the costs of county operations for county administrative costs 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.
- 3) 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 to be consulted in this process and requires the DSS to provide information to the legislative budget committees regarding this review.
- 4) 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-New System (CWS-NS), 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. Requires the DSS to adopt regulations no later than 24 months after the complete replacement system is implemented statewide.
- 5) Establishes, subject to an appropriation, the Excellence in Family Finding, Engagement, and Support Program, to be administered by the DSS. Features of this program include:
  - a) 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.

- b) 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.
  - c) 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.
  - d) Requires allocated funds and the local match provided by counties to be used for specialized permanency work, with a focus on establishing and maintaining permanent connections for foster children, including specified activities.
  - e) Requires a county to provide information to the department on which of the activities the participating county has performed.
  - f) Authorizes a participating county to elect to contract with a nonprofit community-based organization to provide services pursuant to the program.
  - g) Requires funds allocated under the program to be used to supplement, but not supplant, funds for existing family finding and engagement programs, and requires counties to maintain records demonstrating that program funds have not supplanted funding for existing programs.
  - h) Requires the DSS to establish procedures for program data collection and reporting by counties and participating tribal entities, and would require the DSS to establish procedures for tracking and reporting program outcomes measures.
  - i) Additionally, requires the department, subject to an appropriation, to establish, or contract for the establishment of, the Center for Excellence in Family Finding, Engagement, and Support. 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. Requires the Center to train family finding and engagement program staff to ensure model fidelity and best practices.
  - j) Exempt contracts entered into or amended for purposes of the program from specified public contracting requirements and authorizes the department to implement the program through all-county letters or similar written instructions, without taking any further regulatory action.
- 6) Establishes the Tribally Approved Homes Compensation Program to provide funding to any federally recognized Indian tribe located in California, or with lands that extend into California, for the costs associated with recruiting and approving homes for the purpose of foster or adoptive placement of an Indian child pursuant to Indian Child Welfare Act of 1978 (ICWA). Subject to an appropriation for this purpose in the annual Budget Act, requires the DSS to provide an annual allocation of \$75,000 to those eligible tribes, except that if the annual Budget Act provides for an allocation of more than \$75,000 per eligible tribe, then each eligible tribe would receive an adjusted allocation. Requires an Indian tribe, in order to be eligible for the funding allocation, to enter into an agreement with the department on or before May 1 prior to the fiscal year for which funding is requested, and would require an

Indian tribe that receives funding to submit a progress report describing how the tribe administered the funds to the department on or before September 1 following the close of the fiscal year in which the tribe received a funding allocation. Requires the department to annually provide to the budget committees of the Legislature a report summarizing the information and data provided by the Indian tribes in their progress reports. Authorizes the DSS to issue written guidance to implement, interpret, or make specific these provisions without taking any regulatory action.

- 7) 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 that is initiated or ongoing 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 for this purpose, 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, except that if the annual Budget Act provides for an allocation of funds of more than \$15,000 per eligible tribe, then each eligible tribe would receive an adjusted allocation. Requires an Indian tribe that receives funds to submit a progress report regarding the number of Indian child custody proceeding hearings to the department on or before September 30 following the close of the fiscal year in which funding was received. Authorizes the DSS to issue written guidance to implement, interpret, or make specific these provisions without taking any regulatory action.
- 8) Requires, in compliance with the federal Flexibility, Efficiency, and Modernization in Child Support Final Rule of 2016 (FEM Final Rule), the of suspension of a money judgment or order for support of a child for the person ordered to pay support 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 the definition of “incarceration or involuntarily institutionalized” for this purpose. 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.
- 9) Requires the Judicial Council of California to include other data in its periodic review of the statewide uniform guideline for child support, including, among other things, labor market data, such as employment and unemployment rates. Implements this change to comply with the FEM Final Rule.
- 10) 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. Implements this change to comply with the FEM Final Rule.
- 11) 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

the local child support agency in each county to ensure that payments are made to former recipients. Requires aid that cannot be delivered to a former recipient of aid 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 a specified notification and another condition is met, whichever date is later.

- 12) 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 no later than April 1, 2025, or two years and three months after the operative date of the statute, whichever date is later.
- 13) Requires, no later than May 1, 2023, the DSS, in collaboration with the DCSS, to submit a report to specified committees of each house of the Legislature providing an evaluation of the pass through 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.
- 14) Provides that on January 1, 2024, or the date when the DSS has made a specified determination, whichever is later, reasonably anticipated income is defined as support and includes an amount passed through of any amount of support received from being deducted from the amount of aid to which an assistance unit would be eligible. Also exempts any support payments that does not require assignment or cooperation with a local child support agency from consideration as income and resources for purposes of determining initial and continued eligibility and grant amount for the CalWORKs program.
- 15) States legislative intent for the provision of a General Fund augmentation for the DCSS to implement a full pass through of child support payments collected to families currently receiving CalWORKs benefits.
- 16) Requires the DSS, in conjunction with the DCSS, to convene a workgroup that consists of representatives from the Legislature, the DCSS, the County Welfare Directors Association of California, and advocates for low-income families with children and noncustodial parents to meet at least twice to discuss 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, on or before April 1, 2024, to specified committees of the Legislature that summarizes the conversations with workgroup participants and includes proposed mitigation strategies for preventing unintended consequences of a full pass through of child support payments to families currently receiving CalWORKs benefits.
- 17) Authorizes, until January 1, 2028, the Office of Youth and Community Restoration within the California Health and Human Services Agency 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.

- 18) 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.
- 19) Incorporates double jointing provisions to avoid a chaptering out potential for Section 2200 of the Welfare and Institutions Code if both this bill and AB 2417 (Ting) of the current legislative session are enacted and this bill is enacted last.
- 20) 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. Provides that no reimbursement is required by this act for a specified reason.
- 21) Appropriates \$3 million in federal funds to the DSS for the Tribally Approved Homes Compensation Program.
- 22) Declares that that this bill is to take effect immediately as a bill providing for appropriations related to the Budget Act of 2022.

## COMMENTS

These statutory changes are related to investments made in the 2022 Budget Act.

### According to the Author

None.

### Arguments in Support

None.

### Arguments in Opposition

None.

## FISCAL COMMENTS

These provisions align to funding included in the 2022 Budget Act.

## VOTES:

### ASSEMBLY FLOOR: 56-18-5

**YES:** Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Bonta, Burke, Calderon, Carrillo, Cervantes, Chau, Chiu, Cooley, Cooper, Daly, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Lee, Levine, Low, Maienschein, McCarty, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Stone, Ting, Villapudua, Ward, Wicks, Wood, Rendon

**NO:** Bigelow, Chen, Choi, Cunningham, Megan Dahle, Davies, Flora, Fong, Gallagher, Kiley, Lackey, Mathis, Nguyen, Patterson, Seyarto, Smith, Voepel, Waldron

**ABS, ABST OR NV:** Frazier, Kamlager, Mayes, Quirk, Valladares

**UPDATED**

VERSION: August 26, 2022

CONSULTANT: Nicole Vazquez / BUDGET / (916) 319-2099

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