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Economy & Efficiency Commission Presentation

Editorial Note: Although every effort has been made to insure the accuracy of the material in this presentation, the scope of the material covered and the discussions undertaken lends itself to the possibility of minor transcription misinterpretations.

PRESENTATION BY

Mr. Wayne Doss, Bureau Director, Family Support Services, Office of the District Attorney.

and

Mr. Dennis Snapp, Deputy, District Attorney.

Topic: Creation of a new County Department of Child Support Services

October 7, 1999

Mr. Doss introduced Mr. Dennis Snapp, a Deputy District Attorney, who is responsible for the legislative work on this project in Sacramento. Mr. Doss began his presentation by stating that the Governor has recently signed legislation that will change the way that the federally mandated Child Support Enforcement Program is operated in California. At this point he then distributed material containing background information and detailed data on how the Program will be implemented.

Mr. Doss pointed out that since 1975, District Attorney's have operated federally mandated Child Support Enforcement Programs under the supervision of the Department of Social Services. The Legislature passed legislation this year giving increased oversight authority to the State through the creation of a new State Department of Child Support Services with offices in each county. Within each county, responsibility for the Child Support Services Program will be taken from the District Attorney and given to the County Department of Child Support Services. The Department will operate under the authority of the Board of Supervisors and under the direction of the State of California.

Mr. Doss distributed documents, and asked Mr. Snapp to explain them to the Commission. Mr. Snapp began by stating that the first document explained the responsibilities of Child Support Enforcement. The current departmental responsibilities for child support will remain with the transition to the new Department of Child Support Services structure. Chairman Abel asked if the functions and responsibilities of the new Department are to be the same, what improvements are to be gained by changing the reporting structure. Mr. Snapp responded that the legislation calls for uniform State policies, procedures and management structure. California will study other states and counties that operate similar programs. The State will then design a model that will be suitable for use by counties in the operation of their local Department of Child Support Services.

Mr. Snapp while discussing the responsibilities of the State Director of Child Support Services cited the following from the legislation, that "no other local or State agency shall have any authority over the local Child Support Agency." With this provision in place, Mr. Snapp felt that this agency structure is going to be unlike any that has previously existed.

Each county's Department of Child Support Services, pursuant to the legislation, will establish a budget. This budget will then be submitted for State funding approval. It will then return to the county's Board of Supervisors for their approval. Most of the details of how the Department operates in Los Angeles County are yet to be determined. The State will be developing clear protocols, over the next year or so, to establish policies and procedures.

Mr. Doss commented that the major thrust of this legislature is to create more authority and give more resources to the State in the administration of this program. Many of the problems that have developed, particularly lack of uniformity, availability of resources, and the lack of oversight, are the result of a small administrative staff within the Department of Social Services. A new state department places an expanded emphasis on the importance of the program.

One of the factors in having the California Senate and Assembly pass this Child Support Legislation was the failure of the State to develop an automation system. The Federal Government had required the State to have an automation system in place by 1995, with a two year extension to 1997. The State of California has yet to implement an automation system that complies with the Federal Governments requirements. As a result, it is being assessed millions of dollars in penalties by the Federal Government, and will continue to be assessed until they have an automation system in place.

The original plan for California was to have two coordinated automation systems. The one developed in Los Angeles County did meet the 1995 deadline. The 57 County automation system which failed in 1997 is still without a corrective plan. Due to its outstanding record in developing automation systems, the Governor and the Legislature have decided to give the Franchise Tax Board the responsibility for the development of a system in all 58 counties.

At this point Chairman Abel asked for comments from the Commission. Commissioner Philibosian said that he felt that moving the issue from the local government to State Government or from State Government to the Federal Government does not accomplish anything. In his opinion, it results in less local responsiveness and less local control. Commissioner Kennedy said she could not see how this transfer of responsibility would make any difference. She felt that it would just involve more people and increase bureaucracy.

Mr. Snapp stated that he thought that the changeover in Los Angeles County will be transparent to the population served. The legislation contemplates that between January 1, 2001 and December 31, 2002 the transition to the new Department of Child Support Services will be complete. Until the completion of the transition, the District Attorney's Office will retain full responsibility for the program. There was an amendment to the legislation that states that any county can complete the transition sooner, if approved by the State and if the county has an approved transition plan.

Chairman Abel asked about the challenges facing this new Department. Mr. Snapp replied that the Department had approximately 535,000 active child support cases in Los Angeles County being managed by a staff of 1700. Of the 1700 staff members approximately 950 are caseworkers, 120 are Attorneys and the remainder are administrative staff. He went on to say that the Los Angeles County caseload represented approximately 25% of the entire State case load in child support enforcement.

Commissioner Balderrama asked how someone would face criminal prosecution for civil crimes. Mr. Snapp replied that the Legislature makes it clear that the District Attorney will continue to have responsibility for criminal enforcement. In Los Angeles County the District Attorney's Criminal Enforcement Division has responsibility for determining the level of criminality on the part of those people who have the ability to pay but can not be made to pay, their obligation in another manner. The District Attorney files approximately 6,000 misdemeanor criminal prosecutions each year, with two dedicated municipal courts hearing criminal prosecution of child support enforcement.

Civil fillings will be handled by the Department of Child Support Services. If criminal enforcement is deemed to be appropriate the case will be referred to the District Attorney. Commissioner Balderrama asked about who will decide on filing a criminal case. Mr. Snapp replied that the Department will make a referral

to the District Attorney and the determination as to whether the case meets the criteria for prosecution will be made by the District Attorney.

Chairman Abel thanked Messrs. Doss and Snapp for their presentation, adding that he felt that the information they imparted is of value to the Commission. He asked if they would return at a later time to update the Commission on the progress of the new Department of Child Support Services. They replied that they would be pleased to do so.

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